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Maryland. Constitutional Convention, 1967 - 1968.

Committee on Personal Rights and Preamble.

Reports.

R & P - 1 -- R & P - 2.

Maryland  
KFM

1601

1987

.A224

Vol. 6

FOLIO

INTRA-CONVENTION MEMORANDUM

DATE: 21 November 1967  
 TO: H. Vernon Eney, President  
 FROM: Mr. Ira J. Wagonheim, Chief Clerk  
 SUBJECT: Delegate Proposals covered by committee recommendation  
 returned to Clerk's Office.

*for 5000-1 readings*  
*see*

*SD 9217*

The Committee on PERSONAL RIGHTS AND PREAMBLE has returned  
 the following proposals with the report that they are covered by  
 Committee Recommendation P.R. 1:

1	137	302
13	151	303
14	152	324
15	158	327
16	171	331
18	172	333
19	173	336
26	174	349
28	175	395
31	176	401
35	185	407
38	190	410
42	193	416
43	195	419
44	196	423
47	197	434
52	205	436
53	218	439
56	225	442
68	227	
70	229	
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136	301	

*Ira J. Wagonheim*  
 Ira J. Wagonheim  
 Chief Clerk



COMMITTEE ON CALENDAR AND AGENDA

Debate Schedule No. 10

For Debate of Committee Recommendation No. R&P-1

There will be no general debate, and after presentation by the chairman, the Recommendation will be open to debate and amendment, no speech exceeding three (3) minutes (except as otherwise provided) as follows:

Preamble

Section 1. Freedom of Expression

Section 2. Freedom of Religion

Section 3. Right to Due Process and Equal Protection

Minority Report No. R&P-1(D) by Del. Mitchell and others

Controlled: Del. Mitchell - 15 minutes

Del. Hardwicke - 15 minutes

Uncontrolled: 15 minutes

Section 4. Search and Seizure; Right to Privacy

Section 5. Rights of Accused

Minority Report No. R&P-1(A) by Del. Child and others  
(to strike paragraph B)

Controlled: Del. Child - 15 minutes

Del. Bothe - 15 minutes

Uncontrolled: 15 minutes

Section 6. Right against Self Incrimination and Double Jeopardy

Section 7. Right to Jury Trial in Civil Cases

Section 8. Unusual Punishment

Section 9. Limitations on State Actions

Minority Report No. R&P-1(E) by Del. Weidemeyer (Eminent Domain)

Controlled: Del. Weidemeyer - 15 minutes

Del. Kiefer - 15 minutes

Uncontrolled: 15 minutes

Section 10. Reserved Rights

Section \_\_\_\_ Right to Organize and Bargain

Minority Report No. R&P-1(B) by Del. Bothe and others

Controlled: Del. Bothe - 15 minutes

Del. Kiefer - 15 minutes

Uncontrolled: 15 minutes

Section \_\_\_\_ Right to Know

Minority Report No. R&P-1(C) by Del. Willoner and others

Controlled: Del. Willoner - 15 minutes

Del. Kiefer - 15 minutes

Uncontrolled: 15 minutes

Presentation by sponsor of amendments limited to 10 minutes including time yielded in answering questions.

Note: Speeches alternate between sides.





# Constitutional Convention

## COMMITTEE RECOMMENDATION NO. R&P-1

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BY THE COMMITTEE ON PERSONAL RIGHTS AND THE  
PREAMBLE, Richard W. Kiefer, Chairman

---

November 15, 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

---

This Recommendation covers Delegate Proposals Nos.

Listed on Addendum attached.

Room  
University of Maryland  
College Park, Md.

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### TITLE

1 A RECOMMENDATION that the Constitution  
2 contain a Preamble followed by Article I, a  
3 Declaration of Rights, that shall read as  
4 follows:

5  
6  
7  
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9  
10

### PREAMBLE

13 We, the people of the state of Maryland,  
14 grateful to Almighty God for our civil and  
15 religious freedom; recognizing that all  
16 political power originates in the people  
17 and that all government is instituted to  
18 secure their right to life, liberty, and  
19 the pursuit of happiness; and acknowledg-  
20 ing our duty and responsibility to posterity,  
21 do establish and ordain this constitution.

22  
23  
24

ARTICLE I

DECLARATION OF RIGHTS

Section 1. Freedom of Expression.

(A) The people shall have the right peaceably to assemble and to petition the government for a redress of grievances.

(B) Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

Section 2. Freedom of Religion.

No law shall be made respecting an establishment of religion, nor prohibiting the free exercise thereof.

Section 3. Right to Due Process and Equal Protection.

No person shall be deprived of life, liberty, or property, without due process of law; nor be denied the equal protection of the laws.

Section 4. Search and Seizure; Right to Privacy.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, interceptions of their communications, or other invasions of their privacy, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized, or the communications sought to be intercepted.

1           Section 5.   Rights of Accused.

2  
3       (A) A person accused of crime shall have  
4 the right to be informed of the nature and  
5 cause of the accusation in time to prepare  
6 his defense; to have the assistance of counsel  
7 for his defense; to be confronted with the  
8 witnesses against him; to have compulsory pro-  
9 cess for obtaining witnesses; and to have a  
10 speedy and public trial by an impartial jury  
11 of twelve without whose unanimous consent he  
12 shall not be adjudged guilty.

13  
14       (B) An accused, except in cases punishable  
15 by death or life imprisonment, shall be en-  
16 titled to release pending trial conditioned  
17 only upon such bail or other terms as are  
18 reasonably necessary to secure his appearance  
19 before the court.

20  
21  
22           Section 6.   Right Against Self-Incrimina-  
23                           tion and Double Jeopardy.

24  
25       (A) No person shall be compelled in any  
26 criminal case to be a witness against himself.

27  
28       (B) No person shall be twice put in  
29 jeopardy of criminal punishment for the same  
30 offense.

31  
32  
33           Section 7.   Right to Jury Trial in  
34                           Civil Cases.

35  
36       Every person shall have the right of trial  
37 by jury of all issues of fact in civil pro-  
38 ceedings in the several courts of law in this  
39 State where the amount or value in controversy  
40 exceeds such minimum as may be fixed by law.  
41 The jury shall consist of not less than six as  
42 may be fixed by law, and a unanimous decision  
43 of the jury shall be required to constitute its  
44 verdict.

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Section 8. Unusual Punishments.

(A) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(B) No conviction of crime shall work corruption of blood or forfeiture of estate.

Section 9. Limitations on State Action.

(A) The right to the writ of habeas corpus, and the provisions of this constitution, shall not be suspended.

(B) Private property shall not be taken or damaged for public use or purposes without just compensation.

(C) No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 10. Reserved Rights.

The enumeration of rights in this Constitution shall not be construed to impair, disparage or deny others retained by the people.

1 ADDENDUM TO R&P-1

2  
3 PREAMBLE

4 1 (Sec. 1.01); 13; 14; 15; 16; 18 (Sec.1); 26;  
5 31; 92; 98; 195; 263; 436.

6  
7 SECTION 1 - Freedom of Expression.

8 1 (Sec. 1.02); 18 (Art. 1, Sec. 2); 31; 301;  
9 302; 395.

10  
11 SECTION 2 - Freedom of Religion.

12 1 (Sec. 1.03); 18 (Art. 1, Sec. 3); 31; 68; 137;  
13 260; 401; 423.

14  
15 SECTION 3 - Due Process and Equal Protection.

16 1 (Sec. 1.04); 18 (Art. 1, Sec. 4 & 5); 31; 35;  
17 38; 42; 43; 44; 52; 53; 56; 79; 91; 94; 97; 98;  
18 106; 121; 158; 171; 172; 174; 185; 196; 205; 225;  
19 227; 289; 296; 297; 324; 331; 333; 336; 407; 410;  
20 414; 416; 434; 439; 442.

21  
22 SECTION 4 - Search and Seizure; Right to Privacy.

23 1 (Sec. 1.08); 18 (Art. 1, Sec. 6); 31; 175;  
24 190; 275.

25  
26 SECTION 5 - Rights of Accused.

27 1 (Sec. 1.09); 18 (Art. 1, Sec. 7); 35; 70; 80;  
28 135; 176; 193; 230; 238; 247; 254; 257; 349.

29  
30 SECTION 6 - Right Against Self-Incrimination and  
31 Double Jeopardy.

32 1 (Sec. 1.10); 18 (Art. 1, Sec. 7b); 132.

33  
34 SECTION 7 - Right to Jury Trial in Civil Cases.

35 1 (Sec. 1.06); 18 (Art. 1, Sec. 9); 31; 152;  
36 173.

37  
38 SECTION 8 - Unusual Punishments.

39 1 (Sec. 1.11); 18 (Art. 1, Sec. 7c); 19; 47;  
40 218; 229.

41  
42 SECTION 9 - Limitations on State Action.

43 1 (Sec. 1.05, 1.07, 1.12); 18 (Art. 1, Sec. 7d,  
44 7e, 8a & b, 10); 28; 119; 124; 130; 136; 151;  
45 197; 249; 303; 327; 419.

46  
47 SECTION 10 - Reserved Rights.

48 1 (Sec. 1.13); 18 (Art. 1, Sec. 11).  
49  
50

Maryland Room  
University of Maryland Library  
College Park, Md.



## APPENDIX A. TO ACCOMPANY COMMITTEE RECOMMENDATION R &amp; P-1

# CONSTITUTION OF MARYLAND

Adopted by the Convention on the Eighth Day of  
May, Eighteen Hundred and Sixty-Seven.

## Declaration of Rights

We, the People of the State of Maryland,  
grateful to Almighty God for our civil and re-  
ligious liberty, and taking into our serious  
consideration the best means of establishing a  
good Constitution in this State for the sure  
foundation and more permanent security thereof,  
declare:

Article 1. That all Government of right originates from the People, is founded in compact only, and instituted solely for the good of the whole; and they have, at all times, the inalienable right to alter, reform or abolish their Form of Government in such manner as they may deem expedient.

Art. 2. The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State, and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

Art. 3. The powers are delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

Art. 4. That the People of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State.

Art. 5. That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six;

1 and which, by experience, have been found appli-  
2 cable to their local and other circumstances,  
3 and have been introduced, used and practiced by  
4 the Courts of Law or Equity; and also of all  
5 Acts of Assembly in force on the first day of  
6 June, eighteen hundred and sixty-seven; except  
7 such as may have since expired, or may be incon-  
8 sistent with the provisions of this Constitution;  
9 subject, nevertheless, to the revision of, and  
10 amendment or repeal by, the Legislature of this  
11 State. And the Inhabitants of Maryland are also  
12 entitled to all property derived to them from, or  
13 under the Charter granted by His Majesty Charles  
14 the First to Caecilius Calvert, Baron of Balti-  
15 more.

16  
17 Art. 6. That all persons invested with the  
18 Legislative or Executive powers of Government  
19 are the Trustees of the Public, and, as such,  
20 accountable for their conduct: Wherefore, when-  
21 ever the ends of Government are perverted, and  
22 public liberty manifestly endangered, and all  
23 other means of redress are ineffectual, the  
24 People may, and of right ought, to reform the  
25 old, or establish a new Government; the doctrine  
26 of non-resistance against arbitrary power and  
27 oppression is absurd, slavish and destructive of  
28 the good and happiness of mankind.

29  
30 Art. 7. That the right of the People to par-  
31 ticipate in the Legislature is the best security  
32 of liberty and the foundation of all free Govern-  
33 ment; for this purpose elections ought to be free  
34 and frequent; and every white male citizen having  
35 the qualifications prescribed by the Constitution,  
36 ought to have the right of suffrage.

37  
38 Art. 8. That the Legislative, Executive and  
39 Judicial powers of Government ought to be for-  
40 ever separate and distinct from each other; and  
41 no person exercising the functions of one of  
42 said Departments shall assume or discharge the  
43 duties of any other.

44  
45 Art. 9. That no power of suspending Laws or  
46 the execution of Laws, unless by, or derived  
47 from the Legislature, ought to be exercised, or  
48 allowed.

49  
50 Art. 10. That freedom of speech and debate,



1 or proceedings in the Legislature, ought not to  
2 be impeached in any Court of Judicature.

3  
4 Art. 11. That Annapolis be the place of meet-  
5 ing of the Legislature; and the Legislature  
6 ought not to be convened, or held at any other  
7 place but from evident necessity.

8  
9 Art. 12. That for redress of grievances, and  
10 for amending, strengthening and preserving the  
11 Laws, the Legislature ought to be frequently  
12 convened.

13  
14 Art. 13. That every man hath a right to  
15 petition the Legislature for the redress of  
16 grievances in a peaceable and orderly manner.

17  
18 Art. 14. That no aid, charge, tax, burthen  
19 or fees ought to be rated or levied, under any  
20 pretense, without the consent of the Legislature.

21  
22 Art. 15. That the levying of taxes by the  
23 poll is grievous and oppressive, and ought to  
24 be prohibited; that paupers ought not to be  
25 assessed for the support of the government;  
26 that the General Assembly shall, by uniform  
27 rules, provide for the separate assessment,  
28 classification and sub-classification of land,  
29 improvements on land and personal property, as  
30 it may deem proper; and all taxes thereafter  
31 provided to be levied by the State for the  
32 support of the general State Government, and by  
33 the Counties and by the City of Baltimore for  
34 their respective purposes, shall be uniform  
35 within each class or sub-class of land, improve-  
36 ments on land and personal property which the  
37 respective taxing powers may have directed to  
38 be subjected to the tax levy; yet fines, duties  
39 or taxes may properly and justly be imposed, or  
40 laid with a political view for the good govern-  
41 ment and benefit of the community.

42  
43 Art. 16. That sanguinary Laws ought to be  
44 avoided as far as it is consistent with the  
45 safety of the State; and no Law to inflict cruel  
46 and unusual pains and penalties ought to be made  
47 in any case, or at any time, hereafter.

48  
49 Art. 17. That retrospective Laws, punishing  
50 acts committed before the existence of such Laws,

1 and by them only declared criminal are oppres-  
2 sive, unjust and incompatible with liberty;  
3 wherefore, no ex post facto Law ought to be  
4 made; nor any retrospective oath or restriction  
5 be imposed, or required.

6  
7 Art. 18. That no Law to attain particular  
8 persons of treason or felony, ought to be made  
9 in any case, or at any time, hereafter.

10  
11 Art. 19. That every man, for any injury  
12 done to him in his person or property, ought  
13 to have remedy by the course of the Law of the  
14 Land, and ought to have justice and right,  
15 freely without sale, fully without any denial,  
16 and speedily without delay, according to the  
17 Law of the Land.

18  
19 Art. 20. That the trial of facts, where  
20 they arise, is one of the greatest securities  
21 of the lives, liberties and estate of the  
22 People.

23  
24 Art. 21. That in all criminal prosecutions,  
25 every man hath a right to be informed of the  
26 accusation against him; to have a copy of the  
27 Indictment, or charge, in due time (if re-  
28 quired) to prepare for his defense; to be  
29 allowed counsel; to be confronted with the  
30 witnesses against him; to have process for his  
31 witnesses; to examine the witnesses for and  
32 against him on oath; and to a speedy trial by  
33 an impartial jury, without whose unanimous  
34 consent he ought not to be found guilty.

35  
36 Art. 22. That no man ought to be compelled  
37 to give evidence against himself in a criminal  
38 case.

39  
40 Art. 23. That no man ought to be taken or  
41 imprisoned or disseized of his freehold, liber-  
42 ties, or privileges, or outlawed, or exiled,  
43 or, in any manner, destroyed, or deprived of his  
44 life, liberty or property, but by the judgement  
45 of his peers, or by the Law of the Land.

46  
47 Art. 24. That Slavery shall not be re-estab-  
48 lished in this State; but having been abolished  
49 under the policy and authority of the United  
50 States, compensation, in consideration thereof,  
51 is due from the United States.

1 Art. 25. That excessive bail ought not to be  
2 required, nor excessive fines imposed, nor cruel  
3 or unusual punishment inflicted, by the Courts  
4 of Law.  
5  
6 Art. 26. That all warrants, without oath or  
7 affirmation, to search suspected places, or to  
8 seize any person or property, are grievous and  
9 oppressive; and all general warrants to search  
10 suspected places, or to apprehend suspected  
11 persons, without naming or describing the  
12 place, or the person in special, are illegal,  
13 and ought not to be granted.  
14  
15 Art. 27. That no conviction shall work cor-  
16 ruption of blood or forfeiture of estate.  
17  
18 Art. 28. That a well regulated Militia is  
19 the proper and natural defense of a free  
20 Government.  
21  
22 Art. 29. That Standing Armies are dangerous  
23 to liberty, and ought not to be raised, or kept  
24 up, without the consent of the Legislature.  
25  
26 Art. 30. That in all cases, and at all times,  
27 the military ought to be under strict subordina-  
28 tion to, and control of, the civil power.  
29  
30 Art. 31. That no soldier shall, in time of  
31 peace, be quartered in any house, without the  
32 consent of the owner, nor in time of war, ex-  
33 cept in the manner prescribed by Law.  
34  
35 Art. 32. That no person except regular sol-  
36 diers, marines, and mariners in the service of  
37 this State, or militia, when in actual service,  
38 ought in any case, to be subject to, or punish-  
39 able by Martial Law.  
40  
41 Art. 33. That the independency and upright-  
42 ness of Judges are essential to the impartial  
43 administration of Justice, and a great secur-  
44 ity to the rights and liberties of the People:  
45 Wherefore, the Judges shall not be removed,  
46 except in the manner, and for the causes pro-  
47 vided in this Constitution. No Judge shall  
48 hold any other office, civil or military or  
49 political trust, or employment of any kind,  
50 whatsoever, under the Constitution or Laws of



1 this State, or of the United States, or any of  
2 them; or receive fees, or perquisites of any  
3 kind, for the discharge of his official duties.  
4

5 Art. 34. That a long continuance in the Execu-  
6 tive Departments of power or trust is dangerous  
7 to liberty; a rotation therefore, in those depart-  
8 ments is one of the best securities of permanent  
9 freedom.  
10

11 Art. 35. That no person shall hold, at the same  
12 time, more than one office of profit, created by  
13 the Constitution or Laws of this State; nor shall  
14 any person in public trust receive any present  
15 from any foreign Prince of State, or from the  
16 United States, or any of them, without the appro-  
17 bation of this State. The position of Notary  
18 Public shall not be considered an office of pro-  
19 fit within the meaning of this Article.  
20

21 Art. 36. That as it is the duty of every man  
22 to worship God in such manner as he thinks most  
23 acceptable to Him, all persons are equally en-  
24 titled to protection in their religious liberty;  
25 wherefore, no person ought by any law to be mo-  
26 lested in his person or estate, on account of his  
27 religious persuasion, or profession, or for his  
28 religious practice, unless, under the color of  
29 religion, he shall disturb the good order, peace  
30 or safety of the State, or shall infringe the  
31 laws of morality, or injure others in their nat-  
32 ural, civil or religious rights; nor ought any  
33 person to be compelled to frequent, or maintain,  
34 or contribute, unless on contract, to maintain,  
35 any place of worship, or any ministry; nor shall  
36 any person, otherwise competent, be deemed in-  
37 competent as a witness, or juror, on account of  
38 his religious belief; provided, he believes in  
39 the existence of God, and that under His dispen-  
40 sation such person will be held morally account-  
41 able for his acts, and be rewarded or punished  
42 therefore either in this world or in the world  
43 to come.  
44

45 Art. 37. That no religious test ought ever to  
46 be required as a qualification for any office of  
47 profit or trust in this State, other than a  
48 declaration of belief in the existence of God;  
49 nor shall the Legislature prescribe any other  
50 oath of office than the oath prescribed by this  
51 Constitution.

1 Art. 38. That every gift, sale or devise of  
2 land to any Minister, Public Teacher, or Preach-  
3 er of the Gospel, as such, or to any Religious  
4 Sect, Order or Denomination, or to, or for the  
5 support, use or benefit of, or in trust for any  
6 Minister, Public Teacher, or Preacher of the  
7 Gospel, as such, or any Religious Sect, Order  
8 or Denomination; and every gift or sale of goods,  
9 or chattels to go in succession, or to take place  
10 after the death of the Seller or Donor, to or for  
11 such support, use of benefit; and also every de-  
12 vise of goods or chattels to or for the support,  
13 use or benefit of any Minister, Public Teacher,  
14 or Preacher of the Gospel, as such, or any Re-  
15 ligious Sect, Order or Denomination, without the  
16 prior or subsequent sanction of the Legislature,  
17 shall be void; except always, any sale, gift,  
18 lease or devise of any quantity of land, not  
19 exceeding five acres, for a church, meeting-  
20 house, or other house of worship, or parsonage,  
21 or for a burying ground, which shall be improv-  
22 ed, enjoyed or used only for such purpose; or  
23 such sale, gift, lease or devise shall be void.  
24 Provided, however, that except in so far as the  
25 General Assembly shall hereafter by law other-  
26 wise enact, the consent of the Legislature shall  
27 not be required to any gift, grant, deed, or con-  
28 veyance executed after the 2nd day of November,  
29 1948, or to any devise or bequest contained in  
30 the will of any person dying after said 2nd day  
31 November, 1948, for any of the purposes herein-  
32 above in this Article mentioned.

33  
34 Art. 39. That the manner of administering  
35 an oath or affirmation to any person, ought to  
36 be such as those of the religious persuasion,  
37 profession, or denomination, of which he is a  
38 member, generally esteem the most effectual  
39 confirmation by the attestation of the Divine  
40 Being.

41  
42 Art. 40. That the liberty of the press ought  
43 to be inviolably preserved; that every citizen  
44 of the State ought to be allowed to speak,  
45 write and publish his sentiments on all subjects,  
46 being responsible for the abuse of that privilege.

47  
48 Art. 41. That monopolies are odious, contrary  
49 to the spirit of a free government and the prin-  
50 ciples of commerce, and ought not to be suffered.

1     Art. 42. That no title of nobility or heredi-  
2     tary honors ought to be granted in this State.  
3

4     Art. 43. That the Legislature ought to en-  
5     courage the diffusion of knowledge and virtue,  
6     the extension of a judicious system of general  
7     education, the promotion of literature, the  
8     arts, sciences, agriculture, commerce and manu-  
9     factures, and the general melioration of the  
10    condition of the People. The Legislature may  
11    provide that land actively devoted to farm or  
12    agricultural use shall be assessed on the basis  
13    of such use and shall not be assessed as if  
14    sub-divided.  
15

16    Art. 44. That the provisions of the Consti-  
17    tution of the United States, and of this State,  
18    apply, as well in time of war, as in time of  
19    peace; and any departure therefrom, or viola-  
20    tion thereof, under the plea of necessity, or  
21    any other plea, is subversive of good Govern-  
22    ment, and tends to anarchy and espotism.  
23

24    Art. 45. This enumeration of Rights shall  
25    not be construed to impair or deny others  
26    retained by all People.  
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APPENDIX B. TO ACCOMPANY COMMITTEE RECOMMENDATION  
NO. R&P-1

CONSTITUTION OF THE UNITED STATES

[Amendment I]

[Freedom of Religion, of Speech, and of the Press]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[Amendment II]

[Right to Keep and Bear Arms]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[Amendment III]

[Quartering of Soldiers]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[Amendment IV]

[Security from Unwarrantable Search and Seizure]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[Amendment V]

[Rights of Accused in Criminal Proceedings]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a

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1 presentment or indictment of a Grand Jury, ex-  
2 cept in cases arising in the land or naval  
3 forces, or in the Militia, when in actual  
4 service in time of War or public danger; nor  
5 shall any person be subject for the same offense  
6 to be twice put in jeopardy of life or limb;  
7 nor shall be compelled in any criminal case to  
8 be witness against himself, nor be deprived of  
9 life, liberty, or property, without due process  
10 of law; nor shall private property be taken for  
11 public use, without just compensation.

12  
13 [Amendment VI]

14  
15 [Right to Speedy Trial, Witnesses, etc.]

16  
17 In all criminal prosecutions, the accused  
18 shall enjoy the right to a speedy and public  
19 trial, by an impartial jury of the State and  
20 district wherein the crime shall have been  
21 committed, which district shall have been  
22 previously ascertained by law, and to be in-  
23 formed of the nature and cause of the accusa-  
24 tion; to be confronted with the witnesses  
25 against him; to have compulsory process for  
26 obtaining witnesses in his favor, and to have  
27 the Assistance of Counsel for his defense.

28  
29 [Amendment VII]

30  
31 [Trial by Jury in Civil Cases]

32  
33 In Suits at common law, where the value in con-  
34 troversy shall exceed twenty dollars, the right  
35 of trial by jury shall be preserved, and no fact  
36 tried by a jury, shall be otherwise re-examined  
37 in any Court of the United States, than accord-  
38 ing to the rules of the common law.

39  
40 [Amendment VIII]

41  
42 [Bails, Fines, Punishments]

43  
44 Excessive bail shall not be required, nor ex-  
45 cessive fines imposed, nor cruel and unusual  
46 punishments inflicted.

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[Amendment IX]

[Reservation of Rights of the People]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[Amendment X]

[Powers Reserved to States or People]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[Amendment XIV]

Section 1.

[Citizenship Rights Not to Be Abridged by States]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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APPENDIX C.   TO ACCOMPANY COMMITTEE RECOMMENDATION R&P-1

THE PRIMORDIAL NINTH -  
THE CONSTITUTIONAL RESERVATION OF  
THE RIGHTS OF MAN

The enumeration in the constitution,  
of certain rights, shall not be construed  
to deny or disparage others retained by the people.

INTRODUCTION

"What are these other rights retained by  
the people? To what law shall we look  
for their source and definition?...these  
Ninth Amendment rights which are not to  
be disturbed by the Federal Government  
are still a mystery to me."

These words were written by Justice Robert H.  
Jackson shortly before his death in October, 1954.  
When asked by a friend to explain the meaning of  
the Ninth Amendment, the Justice states that he  
could not recall what the Ninth Amendment was.  
Furtherfore, he could not recall an argument before  
the Court based upon the Amendment nor did he re-  
member ever having heard the Amendment mentioned by  
any Justice of the Court. The Ninth Amendment, he  
concludes, may be drifting into oblivion.<sup>1</sup>

There are certain aspects of the Ninth Amendment  
which unfold readily before the legal eye without  
the requirement or research either into case law  
or into history. By its very words, the Ninth  
Amendment is a rule of construction. It states  
that the maxim Expressio Unius Est Exclusio  
Alterius shall not be applied to the construction  
of enumerated rights in the Constitution.<sup>2</sup> And  
not only do the plain words of the Amendment bear  
out this explanation, this was the meaning pro-  
pounded by James Madison when he first elaborated  
on the proposed Bill of Rights to the House of  
Representatives. The purpose of this Amendment,  
Madison said, was to refute the most "plausible"  
objection to the inclusion of any Bill of Rights

1. Robert H. Jackson, The Supreme Court in the  
American System of Government, Harvard  
University Press, Cambridge: 1955, p. 74.
2. See also 2 Story, Commentaries on the  
Constitution of The United States, 5th  
ed. 1891, p. 651

1 at all; namely, that "those rights which were  
2 not singled out, were intended to be assigned  
3 into the hands of the General Government, and  
4 were consequently insecure."<sup>3</sup>

5  
6 Therefore, this much is clear: The people  
7 commenced with rights prior to the formation of  
8 the Constitution. The draftsmen wanted to be  
9 absolutely certain that all of these rights re-  
10 mained intact notwithstanding the listing of a  
11 few. But Justice Jackson posed the questions  
12 which must be answered here: "What are these  
13 other rights retained by the people?" Have they  
14 drifted "into oblivion"? And if not, "To what  
15 law shall we look for their source and defini-  
16 tion?"

17  
18 I submit: I. That the unenumerated rights  
19 are the primordial rights of man; II. That the  
20 post-constitutional history of these rights con-  
21 firms that they are neither obsolete nor mean-  
22 ingless; III. That proper indicia exist for  
23 the recognition of specific unenumerated rights;  
24 and IV. That the recognition and protection of  
25 these rights are a proper foundation for Democ-  
26 racy's role in the world today.

27  
28 I. THE UNENUMERATED RIGHTS ARE  
29 THE PRIMORDIAL RIGHTS OF MAN  
30

31 A. Intent of the Founding Fathers  
32

33 Our Constitution, although intended to be  
34 timeless, is the product of a time. Learned men  
35 of the Eighteenth Century, reared in the English  
36 tradition, believed that all mankind was born not  
37 only with eyes and ears and other physical appur-  
38 tenances, but also with a full set of rights.  
39 These rights were believed to be the possession  
40 of man as man; they were granted to man by nature  
41 and were part of his nature. They were axiomatic;  
42 they were part of the firmament; as Chafee has

43  
44 3. I Annals of Congress 440 (Gales and Seaton  
45 ed. 1834)  
46  
47  
48  
49  
50



1 said "....as to most human rights there was at  
2 that time no forked road".<sup>4</sup>

3  
4 The Founding Fathers asserted their concept of  
5 human rights in two contexts: 1. The basis for  
6 revolt, and 2. The basis for liberty in consti-  
7 tutional government. Each of these contexts con-  
8 ceived human rights in the primordial sense, but  
9 the affirmative basis for government followed in-  
10 evitably from the negative doctrines of revolt.

11  
12 1. Natural Rights - The Basis for Revolt

13  
14 As to the Revolution, the entire affair was a  
15 prime example of the natural right of man to rebel  
16 against arbitrary and tyrannical government. The  
17 Continental Congress asserted in October, 1774,  
18 that the Colonists had rights "by the immutable  
19 laws of nature, the principles of the English con-  
20 stitution and the several charters or compacts".<sup>5</sup>  
21 The Declaration of Independence states the justi-  
22 fication for rebellion and independence in the  
23 plain and direct terms of the natural rights of  
24 man.<sup>6</sup> As to the criticism of Adams and Pickering  
25 that the Declaration was "hackneyed and unorigin-  
26 al", Jefferson replied that it was not intended  
27 to be original, that it was a statement of "the  
28 harmonizing sentiments of the day, whether ex-  
29 pressed in conversation, in letters, printed es-  
30 says, or the elementary books of public right, as  
31 Aristotle, Cicero, Locke, Sidney, etc."<sup>7</sup>

32  
33 4. Chafee points out that there was such una-  
34 nimity on the subject of rights that there  
35 was nothing to argue about. Chafee, 1 Doc-  
36 uments on Fundamental Human Rights, Atheneum  
37 edition, New York: 1963, p.9

38 5. ibid., p. 185

39 6. Carl Becker has demonstrated that the Dec-  
40 laration of Independence is a natural rights  
41 document. See Becker, The Declaration of  
42 Independence, Vintage edition, New York:  
43 1942, Chapter II.

44 7. As to the wealth of sentiment in the colonies  
45 that the Revolution was grounded in the natural  
46 rights of man, see Haines, The Revival of Nat-  
47 ural Law Concepts, Harvard University Press,  
48 Cambridge: 1930, pp. 52-59; Rutland, The Birth  
49 of the Bill of Rights, The University of North  
50 Carolina Press, Chapel Hill: 1955, Chapter II;  
51 and Arieli, Individualism and Nationalism in  
52 American Ideology, Penguin edition, Baltimore:  
53 1966, pp. 15-87

1       2.   Natural Rights - The Basis for Freedom

2  
3       The Doctrine of Natural Rights served not only  
4 as a basis for doing away with the old; it served  
5 well as a basis for the erection of the new. The  
6 government of George III had no respect for the  
7 rights of man; new governments would be founded  
8 upon the express consent of the governed, but the  
9 natural rights of the governed would be retained  
10 by the people.

11  
12       The Virginia Declaration of Rights was adopted  
13 on June 12, 1776, three weeks before the Declar-  
14 ation of Independence. This Declaration (basic-  
15 ally the work of George Mason), affirmed that the  
16 new framework of government was not to impinge  
17 upon the natural rights of the people:

18  
19       "That all men are by nature equally free and  
20 independent, and have certain inherent rights,  
21 of which, when they enter into a state of  
22 society, they cannot, by any compact, deprive  
23 or divest their posterity; namely, the enjoy-  
24 ment of life and liberty, with the means of  
25 acquiring and possessing property, and pur-  
26 suing and obtaining happiness and safety."<sup>8</sup>

27  
28       Eight States adopted constitutions before 1787  
29 and, of these, six had full bills of rights.<sup>9</sup>  
30 The Virginia Declaration was broadcast throughout  
31 the colonies and, together with the Declaration  
32 of Independence, served as a model under which  
33 the principles of the rights of man, already "on  
34 every man's lips", could be incorporated into  
35 living constitutions to insure fundamental lib-  
36 erty.<sup>10</sup>

37  
38       It is entirely logical that when the States  
39 sought to form a more perfect Union, they should  
40 have inserted into the Instrument of Government  
41 a bill of rights or reservation of the natural

42  
43   8.   Dumbauld, The Bill of Rights and What It Means  
44       Today, University of Oklahoma Press, Norman:  
45       1957, p. 170.

46   9.   (See Roscoe Pound - The Development of Consti-  
47       tutional Guarantees of Liberty, Yale Univers-  
48       ity Press, New Haven: 1957, pp. 82-111).

49   10. (See The Birth of Bill of Rights, op. cit.  
50       Chapter IV).

1 rights of man. However, although in the waning  
2 days of the Convention, Mason and Gerry sought  
3 to do this, they were unanimously defeated (the  
4 roll call being by states), on the ground that  
5 the new government was a government of express  
6 powers only and that the various Declarations of  
7 Rights in State Constitutions were sufficient.  
8 However, following the adjournment of the Con-  
9 vention, Mason, Gerry, Patrick Henry, Robert Yates,  
10 Luther Martin and other early patriots became  
11 leaders of the group seeking to defeat the Con-  
12 stitution, and their battle cry was "No Bill of  
13 Rights".  
14

15 When Congress met for the first time in the  
16 spring of 1789, James Madison, who had been  
17 opposed to the inclusion of a Bill of Rights in  
18 the original Constitution, became the focal point  
19 for the preparation of a Bill of Rights. In a  
20 narrowly contested election, he had made this  
21 promise to his constituents and he may have been  
22 influenced by his friend, Thomas Jefferson. Fisher  
23 Ames reported that in the preparation of the pro-  
24 posed bills, Madison had "hunted up all grievances  
25 and complaints of newspapers, all the articles of  
26 conventions, and the small talk of their debates,  
27 ...."<sup>11</sup> Whether Ames' report is correct or not,  
28 it is certain that Madison relied heavily on the  
29 Virginia Declaration of Rights, and proposals from  
30 the State Ratifying Conventions<sup>12</sup> -- in a word,  
31 upon the natural rights sources referred to above.  
32

33 Thus, we come to a second reason for the Ninth  
34 Amendment: Madison sought to anticipate debate  
35 upon the exclusion of any specific right. Failure  
36 to recognize any of the bundle of natural rights  
37 emphasized by any State or individual could lead  
38 to trouble. The Ninth Amendment gave a ready  
39 answer, no matter what the right, and no matter  
40

41 11. Fisher Ames to Thomas Dwight, June 11, 1789,  
42 The Works of Fisher Ames, Seth Ames edition,  
43 Boston: 1884, I, p. 52-53.

44 12. The ratifying conventions of Virginia, North  
45 Carolina, and New York made specific refer-  
46 ence to "natural rights". See The Bill of  
47 Rights and What It Means Today, op. cit.  
48 pp. 182-205.  
49  
50



1 who urged it: "You are not deprived of any  
2 natural right because it is not included in the  
3 list", Madison and the Federalists might say.<sup>13</sup>

#### 4 5 B. The General Meaning of Natural Rights

6  
7 There is probably no doctrine which has more  
8 stubbornly persisted in law and political science  
9 than that man qua man is endowed with natural  
10 rights.<sup>14</sup> Philosophers generally trace the doc-  
11 trine to Aristotle, follow it forward in Western  
12 history through the Stoics, Cicero, and into the  
13 Civil Law. The doctrine is readily recognizable  
14 in the writings of the early Church Fathers who  
15 contributed to it the Christian concept of the  
16 value and dignity of the individual which in  
17 turn produced the concept of the equality and  
18 fraternity of man. St. Thomas Aquinas and after  
19 him the humanists were its advocates.<sup>15</sup>

20  
21 The English branch of natural rights thinking  
22 was crystallized in response to the pretension  
23 that kings were possessed of divine rights.  
24 Hobbes, Milton, Newton, Locke, and other English  
25 writers were devotees of the doctrine and their  
26 concepts were readily accepted in America - a  
27 logical realm for natural right implementation.

28  
29 Analysis shows that natural rights possess cer-  
30 tain qualities:

31  
32 1. They are primordial - primordial in the  
33 sense that they are anterior to government and  
34 above government - they cannot be yielded to the

35  
36 13. The Birth of the Bill of Rights, op. cit.,  
37 pp. 204-209

38 14. Haines, The Revival of Natural Law Concepts,  
39 Harvard University Press, Cambridge: 1930,  
40 p. 282.

41 15. Space does not permit full elaboration on  
42 the role of the doctrine in our civilization,  
43 although the role is pertinent since these  
44 Rights are at the heart of our system. How-  
45 ever, see Haines, ibid., Leo Strauss, Nat-  
46 ural Right and History, the University of  
47 Chicago Press, 1953; Otto Gierke, Natural  
48 Law and the Theory of Society, 1500 to 1800,  
49 Beacon Press, Boston: 1957

50



1 social compact, nor can they be altered by it.<sup>16</sup>  
2 Not only are they above government; their pro-  
3 tection is the sole object to government.<sup>17</sup>  
4 If government seeks to deprive man of his natural  
5 rights, it places itself at war with the people  
6 and they are absolved from all allegiance.  
7 The natural rights of man are above constitu-  
8 tions which themselves are above positive laws.<sup>18</sup>

9  
10 2. They inhere in man as man<sup>19</sup> and are derived  
11 from the Creator or Nature.<sup>20</sup> They are the visible  
12 proof of the dignity of man and the worldly conse-  
13 quence of his worth in the eyes of God.<sup>21</sup>  
14

15 3. They would be possessed by man in a state of  
16 nature. Thus, they do not have any aspect of  
17 artificiality nor have they been increased by any  
18 act of other persons or of government. They are  
19 the rights of individuals. "Natural", however,  
20 does not mean in a "wilderness", nor does it refer  
21 to primitive conditions. Since society is part of  
22 man's environment, changing social and economic  
23 conditions must be taken into account in determining  
24 "rights".<sup>22</sup>  
25

26 16. The New Hampshire Constitution of 1784 pro-  
27 vided (Part 1, IV): "Among the natural rights,  
28 some are in their very nature unalienable,  
29 because no equivalent can be given or re-  
30 ceived for them....." See also Ariele,  
31 op. cit. p. 83.

32 17. John Locke, Two Treatises on Government,  
33 Treatise 2, Chap. ii - vii. See also the  
34 present Constitutions of Alaska (I, 2),  
35 Georgia (I, I) New Hampshire (I, 1),  
36 North Carolina (I, 2), Missouri (I, 2).

37 18. John Locke, op. cit. Chap xix; The Declar-  
38 ation of Independence; Maryland Declara-  
39 tion of Rights, section 6.

40 19. Blackstone, Commentaries on the Laws of  
41 England, Book 1, Chapter 1, Section 124.

42 20. William O. Douglas, The Anatomy of Liberty,  
43 Trident Press, New York: 1963, p. 2; See  
44 also, Thomas Jefferson, Writings, ed. P. L.  
45 Ford (New York, 1892-99), The Summary View  
46 of the Rights of British America I, 429-30.

47 21. Luke 15:3-7; John 10:11-18.

48 22. See John Dewey, The Future of Liberalism,  
49 reprinted in Communism, Fascism and Democracy  
50 ed. Cohen, Random House, New York: 1962,  
51 on the continual change of individuality  
52 vis-a-vis social and economic conditions.

1 II. THE POST-CONSTITUTIONAL HISTORY OF THE  
2 DOCTRINE OF NATURAL RIGHTS CONFIRMS THAT THE  
3 DOCTRINE IS NEITHER OBSOLETE NOR MEANINGLESS  
4

5 A. Subsequent and Present State Constitutions  
6

7 The Ninth Amendment or its equivalent is  
8 found in the constitutions of thirty-three  
9 States, including the new States of Alaska  
10 (i, 21) and Hawaii (I, 20). It is in New  
11 Jersey's 1947 Constitution (I, 21) and in  
12 Missouri's Constitution of 1945 (I, 21).  
13 Michigan did not have the equivalent of the  
14 Ninth Amendment until the adoption of the new  
15 constitution in 1963. (Article I Section 23).  
16 The Constitution contains this note of the  
17 Michigan Constitutional Convention:  
18

19 "This is a new section taken from the Ninth  
20 Amendment to the U. S. Constitution. It  
21 recognized that no Declaration of Rights can  
22 enumerate or guarantee all the rights of the  
23 people--that it is presently difficult to speci-  
24 fy all such rights which may encompass the  
25 future in a changing society."  
26

27 B. Judicial Construction and Natural Rights  
28

29 In Calder v. Bull (3 Dall. 386) diametrically  
30 opposing views were stated with regard to un-  
31 enumerated natural rights by Justices Chase and  
32 Iredell. Justice Iredell stated (at 399) that  
33 Courts cannot pronounce legislation void,  
34 "merely because it is, in their judgment,  
35 contrary to the principles of natural justice".  
36 Justice Chase, (without referring to the Ninth  
37 Amendment) thought that any act of the legisla-  
38 ture would not be law if "contrary to the great  
39 first principles of the social compact...."  
40 (pp. 387-8). This pronouncement has been said  
41 to furnish the Constitution with "its leavening  
42 principle".<sup>23</sup>  
43

44 And Justice Johnson stated in Fletcher v. Peck  
45 (6 Cranch 87, 143): "I do hesitate to declare  
46 that a state does not possess the power of  
47

48 23. Bernard Schwartz, A Commentary on the  
49 Constitution of the United States, Mac-  
50 millan, New York: 1965, Vol II, p. 28.

1 revoking its own grants. But I do it, on a  
2 general principle, on the reason and nature  
3 of things--a principle which will impose laws  
4 even on the Deity."

5  
6 There are a number of cases in the State  
7 Courts which directly uphold such "other rights"  
8 under the provisions of the Ninth Amendment  
9 clauses in their Constitutions and which  
10 specifically declare these "other rights" to be  
11 natural rights. Thus, in re Dorsey, 7 Porter  
12 293, 377, 378 (1838), the Alabama Supreme Court,  
13 after quoting Alabama's Ninth Amendment clause,  
14 stated that "any act of the legislature which  
15 violates any of these asserted rights or which  
16 entrenches on any of these great principles of  
17 civil liberty, or the inherent rights of man,  
18 though not enumerated, shall be void."

19  
20 And in Tennessee, the State Supreme Court  
21 stated (State v. Cooper 2 Yerg. 599, 603 (1831):  
22 "There are eternal principles of justice which  
23 no government has a right to destroy. It does  
24 not follow, therefore, because there may be no  
25 restriction in the Constitution prohibiting a  
26 particular act of the legislature, that such act  
27 is therefore constitutional. Some acts, although  
28 not expressly forbidden, may be against the plain  
29 and obvious dictates of reason." See also State  
30 ex rel. White v. Barker, 116 Iowa 96, 89 N.W. 204,  
31 (1902) holding that Iowa's Ninth Amendment clause  
32 reserved rights to be found in fundamental princi-  
33 ples, which are the "warp and woof" of the Con-  
34 stitutional fabric.

35  
36 In the Federal System, the use of the "Due-  
37 Process Clause" of the Fourteenth Amendment as  
38 the means of championing natural rights gradually  
39 replaced the direct appeal to natural rights as  
40 such under the aegis of the Ninth Amendment.  
41 It is unnecessary to review here the extent to  
42 which Due-Process covers substantive law. How-  
43 ever, since Allgeyer v. Louisiana 165 U. S. 578,  
44 1897, substantive Due Process has been the  
45 umbrella under which the Supreme Court protects  
46 natural rights.<sup>24</sup>

47  
48 24. As to the transition from natural rights  
49 to substantive due process, see Schwartz,  
50 op. cit., pp. 31-91; see also Frankfurter,  
51 Memorandum on 'Incorporation' of the Bill  
52 of Rights into the Due Process Clause of the  
53 Fourteenth Amendment, 78 Harvard Law Review  
54 746, 1965.



1           C.   Constitutions of Other Countries

2  
3     As is well known, even totalitarian countries  
4 have constitutions which pay devoted lip service  
5 to the rights of man but in practice these rights  
6 are readily transgressed and with impunity.  
7 Fourteen Latin American countries have adopted  
8 new constitutions de novo since 1933. Since  
9 independence in the early Nineteenth Century,  
10 the twenty countries of Latin America have  
11 averaged more than nine constitutions apiece.<sup>25</sup>  
12 All of these constitutions have elaborate Bills  
13 of Rights.

14  
15     However, the fact that everyone pays lip service  
16 to the rights of man and few people effectuate  
17 such rights does not demean the rights of man;  
18 it is only proof that all countries and all people  
19 hold these rights in high esteem. We are  
20 informed by Bayley that statesmen in the emerg-  
21 ing nations have uniform enthusiasm for funda-  
22 mental rights because these rights are a "status  
23 symbol": "Leaders of the new states feel that  
24 they would lose caste immediately in the communi-  
25 ty of nations if they did not make oblations to  
26 this shrine." But Bayley points out that the  
27 important thing is that "this banner of propriety  
28 and maturity is carried as high and with as much  
29 'eclat as in the lands of the former colonial  
30 masters".<sup>26</sup>

31  
32     Even members of the British Commonwealth of  
33 Nations are beginning to adopt Bills of Rights  
34 grounded in the concept of the rights of man.  
35 Thus, India and Burma have adopted constitutions  
36 protecting both social and political rights.  
37 Canada adopted a Bill of Rights in 1960 by  
38 action of Parliament. Part I of the Canadian  
39 Bill of Rights lists most of the traditional  
40 rights which we have established in our consti-  
41 tution. Part II, however, contains a provision  
42 very much like our Ninth Amendment: "Nothing  
43 in Part I shall be construed to abrogate or  
44 abridge any human right or fundamental freedom  
45 not enumerated therein that may have existed  
46

47 25. David H. Bayley, Public Liberties in the  
48 New States, Rand McNally & Company, Chicago:  
49 1964, p. 20.

50 26. Ibid, p. 22.

1 in Canada at the commencement of this Act."  
2 The rights of Canadians which existed "at  
3 the commencement of this Act" were the natural  
4 rights of man. For example, in the case of  
5 Chabot v. School Commissioners of Lamorandiere,  
6 Que. Q.B. 707 12 D.L.R. (2d) 796 (1957) it is  
7 stated: "If these rights (religious freedom)  
8 find their source in positive law, they can  
9 be taken away. But if, as they do, they find  
10 their existence in the very nature of man, then  
11 they cannot be taken away and they must pre-  
12 vail should these conflict with the provisions  
13 of positive law."  
14

15 The various codes of continental Europe make  
16 it the duty of the court to enforce first, the  
17 written law, but then, if there is no written  
18 law to be found on point, to seek a solution  
19 in "natural reason" or "general principles of  
20 justice".<sup>27</sup>  
21

### 22 III. INDICIA FOR THE RECOGNITION 23 OF SPECIFIC UNENUMERATED RIGHTS 24

#### 25 A. The "Other Rights" are not "Disparaged" 26 by the Enumeration of Rights 27

28 After the Ninth Amendment was brought back to  
29 the House of Representatives from the Conference  
30 Committee, Representative Gerry sought to substi-  
31 tute "deny or impair" for the phrase "deny or  
32 disparage" because, he said, the word "disparage"  
33 was "not of plain import".<sup>28</sup> This motion failed  
34 for lack of a second. Most of the State Consti-  
35 tutions with a Ninth Amendment clause use the  
36 phrase "deny or impair" although some states use  
37 all three words, that is, deny, impair, or dis-  
38 parage, while Michigan has reintroduced the sole  
39 word "disparage".  
40

41 27. The Italian Civil Code of 1866, Section 3,  
42 provides: "When a case, however, remains  
43 doubtful one ought to decide according to  
44 the principles of natural law, taking into  
45 account all of the circumstances of the  
46 controversy." See also the Austrian Civil  
47 Code, Sections 6-8 and other examples cited  
48 in Haines, op. cit., pp. 323-330.  
49

50 28. I Annals of Congress, op. cit., p. 513



1 Although in common parlance today the word  
2 "disparage" is sometimes used as a synonym for  
3 "impair", the word "disparage" had a very dis-  
4 tinct and difference meaning in 1789 as can be  
5 seen by consulting dictionaries in use at the  
6 time. The library of Thomas Jefferson (Vol V.  
7 Catalogue of the Library of Thomas Jefferson)  
8 lists three dictionaries in the Jefferson  
9 library: Samuel Johnson's A Dictionary of the  
10 English Language, Dublin, 1775; John Walker's  
11 A Critical Pronouncing Dictionary and Exposi-  
12 tion of the English Languages, (1791); and  
13 Noah Webster's A Compendious Dictionary of the  
14 English Language, (1806).

15

16 Johnson defines "disparage" as:

17

- 18 1. To marry anyone to another of inferior con-  
19 dition.
- 20 2. To match unequally; to injure by union with  
21 something inferior in excellence.
- 22 3. To injure by a comparison with something  
23 of less value.
- 24 4. To treat with contempt; to mock; to flout;  
25 to reproach.
- 26 5. To bring reproach upon; to be the cause of  
27 disgrace.

28

29 Walker defines "disparage" simply as "To match  
30 unequally; to injure by union with something in-  
31 ferior in excellence; to injure by comparison  
32 with something of less value". Webster merely  
33 defines "disparage" as "to undervalue, lessen,  
34 degrade".

35

36 I have not found any case construing either  
37 the Federal Ninth Amendment or its equivalent  
38 in State constitutions which discusses the word  
39 "disparage". However, depending upon whether  
40 we use Walker's definition or Webster's defini-  
41 tion, it was the intent of the draftsman that  
42 the unenumerated rights were superior to (Walker)  
43 or at least equal to (Webster) the enumerated  
44 rights.

45

46 Thus, the "other rights" are not to be con-  
47 strued out of existence, and they are equal to,  
48 or greater than, those enumerated. Otherwise,  
49 there would be no reason to worry about hurting  
50 them by odious comparison. Consequently, the

1 unenumerated rights may be either specific  
2 rights of the same nature, say, as freedom of  
3 religion, or they may be broader, more gen-  
4 eral rights such as the right to the "Pursuit  
5 of Happiness".

6  
7 B. Eiusdem Generis  
8

9 The rule of Eiusdem Generis is applicable to  
10 constitutional construction and means, of course,  
11 that where generalities follow a specific list,  
12 the content of the generalities will be of the  
13 same nature as the items contained in the specific  
14 list.<sup>29</sup> Specific rights which are contained in  
15 the phrase "other rights" must be of the same  
16 general nature as those enumerated, if the word  
17 "other" is to be given its usual legal impact.<sup>30</sup>  
18

19 Of course, the enumerated rights are not to be  
20 considered as merely those rights contained within  
21 the first eight Amendments to the Constitution.  
22 When Madison drafted the Bill of Rights, it was  
23 apparently his intention that these provisions be  
24 intermingled with the Constitution rather than  
25 attached as a preface or an appendix.<sup>31</sup> There  
26 are approximately fifty enumerated rights in the  
27 Constitution, sixteen of which are in the body  
28 of the Constitution, twenty-five in the first  
29 eight Amendments, and eight in succeeding Amend-  
30 ments.<sup>32</sup> Thus, when we consider the nature of  
31 the "enumerated rights", the whole body of rights  
32 should be taken into account.  
33

34 Words such as "inalienable" which have been  
35 commonly used to characterize natural rights  
36 already recognized are useful in determining  
37 those rights which are natural. For example, a  
38 right which can be alienated, that is, given or  
39

40 29. DeArmond v. Alaska State Development Corp-  
41 oration, 376 P (2d) 717, 725.

42 30. Redlich, Are There Certain Rights... Re-  
43 tained by the People?, 37 N.Y. University  
44 Law Review 787, 810, 811; "The language and  
45 history of the (Ninth and Tenth) Amendments  
46 indicate that the rights reserved were to  
47 be of a nature comparable to the rights  
48 enumerated."

49 31. 1 Annals of Congress pp. 734-756

50 32. Edward Cahn, The Great Rights, Macmillan,  
51 New York: 1963, p. 18

1 sold, could not be a natural right. Therefore,  
2 in dealing with unenumerated rights, the result-  
3 ing qualities which are said to be features of  
4 those rights enumerated are also features of those  
5 rights unenumerated and should assist in the rec-  
6 ognition and effectuation of the "other rights".

7  
8 C. The Unenumerated Rights are Individual Rights  
9

10 The rights of man are the rights of individuals.  
11 In this sense, there could be no majority or  
12 minority rights or rights inherent in or belong-  
13 ing to any group or collection of individuals.  
14 Such phrases as States' rights, women's rights,  
15 or Negro rights, if they have meaning do not de-  
16 rive that meaning from natural law. Of course,  
17 ten individuals have the conglomerate rights of  
18 ten individuals, but any other ten individuals  
19 chosen at random must have the same quantum of  
20 rights, no more, no less. If this were not so,  
21 individuals could increase their rights by form-  
22 ing groups so that, since everyone is a member of  
23 many different minority groups, his rights might  
24 be multiplied many times by the artificial device  
25 of joining with others.

26  
27 D. The "Other Rights" Are Not Necessarily Justiciable.  
28

29 The constitutions of the various States contain  
30 two kinds of rights: justiciable, specific, nat-  
31 ural rights, and natural rights which proclaim gen-  
32 eral principles. The latter category is idealistic  
33 and sets out generalities which constitute a res-  
34 ervoir of specific rights over the span of time.  
35 Thus, the Constitution of eleven States have pro-  
36 visions to the effect that liberty can be preserved  
37 only by the adherence to one or more of the follow-  
38 ing: Justice,<sup>33</sup> Frugality,<sup>34</sup> Industry,<sup>35</sup>  
39 Moderation,<sup>36</sup> Virtue,<sup>37</sup> or Piety.<sup>38</sup> Many State  
40 constitutions have tended to include the language  
41 of the Declaration of Independence that "all men  
42 have the right to life, liberty and the pursuit of  
43

44 33. Justice: Mass.; N. H.; S. D.; Va.; W. Va.;  
45 and Wis.

46 34. Frugality: N. H.; S. D.; Vt.; Va.; W. Va;  
47 and Wis.

48 35. Industry: N.H. and Vt.

49 36. Moderation: N.H.; S. D.; Va.; W. Va.; and  
50 Wis.

51 37. Virtue: S. D.; Va.; W. Va.; and Wis.

52 38. Piety: Mass.



1 happiness".<sup>39</sup> These are general non-justiciable  
2 rights of man. They have the legitimate function  
3 in written constitutions of giving flavor, direc-  
4 tion and purpose to enumerated rights.

#### 5 6 E. Penumbra Rights

7  
8 We have seen that many of the rights which have  
9 been collected and recognized as Due Process rights  
10 could be treated as natural rights. Also, the  
11 penumbra rights are, for the most part, natural  
12 rights. Justice Douglas has stated: "The penumbra  
13 of the Bill of Rights reflects human rights which,  
14 though not explicit, are implied from the very  
15 nature of man as a child of God."

16  
17 The penumbra doctrine really amounts to little  
18 more than the principle of *eiusdem generis* if  
19 applied to the Ninth Amendment, that is to say, the  
20 specific "other rights" are under the same umbrella  
21 as the specific enumerated rights and the principle  
22 giving rise to an enumerated right must also spawn  
23 similar rights.

#### 24 25 F. Specific "Other Rights"

26  
27 1. The right of privacy - in *Griswold v. Connecti-*  
28 *cut*, 381 US 479 (1965), the Supreme Court held un-  
29 constitutional a Connecticut statute making it a  
30 crime to use contraceptives. The Court held that this  
31 statute violated the fundamental right of privacy.  
32 Different reasons were given for the existence of  
33 this right: the Penumbra Doctrine (Douglas); the  
34 Due-Process Clause as the basic protector of liberty  
35 (Harlan and White); the Ninth Amendment (Goldberg,  
36 Warren and Brennan). Mr. Justice Black refused to  
37 recognize privacy as a "right" because he would ex-  
38 tend the Fourteenth Amendment only to those rights  
39 named in the first eight Amendments. Mr. Justice  
40 Stewart would not enforce a right not specifically  
41 guaranteed.

42  
43 Griswold represents the first time any Justice of  
44 the Supreme Court has expressly used the Ninth  
45 Amendment to protect an unenumerated right. However,  
46 the right of privacy is surely of the same class or  
47 kind as the enumerated specific rights (hence the

48  
49 39. Ark., Cal., Col., Fla., Idaho, Ill., Miss.,  
50 Mont., Okla., and Vt.

1 Penumbra Doctrine) and it is the kind of  
2 primordial right that man possessed in a state  
3 of nature and that man possessed as man.

4  
5 2. The right to rebel against tyrannical or  
6 unconstitutional government. This right is one  
7 of the enumerated rights contained in many of the  
8 State constitutions as noted above. It is a right  
9 recognized by the Declaration of Independence; it  
10 is at the basis of the Social Compact; it is the  
11 theory of our Revolution. Furthermore, if the Dec-  
12 laration of Independence is to be considered a  
13 natural rights document, the natural rights set  
14 forth therein ought, generally, to be considered  
15 as among the "other rights" reserved by the Ninth.

16  
17 3. The right of movement. In the encyclical  
18 Pacem In Terris, April 10, 1963,<sup>40</sup> Pope John XXIII  
19 enunciated in Twentieth Century religious terms the  
20 principles of natural law and the natural rights  
21 of humanity. One of the rights enumerated was  
22 freedom of movement and of residence within the  
23 confines of one's own country and the right to em-  
24 igrate to other countries.

25  
26 Freedom of movement was recognized in a number  
27 of Colonial Charters,<sup>41</sup> and in at least one early  
28 State Constitution.<sup>42</sup> It is also one of the rights  
29 recognized by the universal Declaration of Human  
30 Rights adopted by the United Nations in 1948.  
31 Chafee<sup>43</sup> recognized this freedom as a constitutional  
32 right and suggests that the Due Process Clause is  
33 sufficient for its protection. However, there is no  
34 reason this primeval right should not stand on its  
35 own as one of the unenumerated individual rights.

36  
37 4. The right to acquire property. In Colorado  
38 Anti-discrimination Commission v. Case, 380 p (2d)  
39 34, the Supreme Court of Colorado held that under  
40 the Ninth Amendment as well as under Colorado's

41  
42 40. The Papal Encyclicals in Their Historical  
43 Context, Edited by Anne Fremantle, Mentor-  
44 Omega, N.Y.: 1963, p. 396.

45 41. Va., N.Y. and Ga. See Chafee, Three Human  
46 Rights in the Constitution of 1787, University  
47 of Kansas Press, Lawrence: 1956, pp. 162-187.

48 42. Pennsylvania, ibid 184

49 43. Chafee, Three Human Rights of the Constitution  
50 of 1787, op. cit.



1 Ninth Amendment clause, all men have the "in-  
2 alienable right of acquiring, possessing and  
3 protecting property" and that such right was  
4 one of the unenumerated, inalienable rights of  
5 man. Again, this holding and the recognition  
6 of this right seems to be consonant with the  
7 recognition of the rights of man.  
8

9 5. The right to be different. In a state of  
10 nature, man, as an individual, would be given  
11 maximum opportunity for uncontrolled growth and  
12 development in a pattern unique for each person.  
13 As the civilized community grows more crowded  
14 and human beings jostle one another more vigorously  
15 the pressure will inevitably increase to make in-  
16 dividuals conform to majority concepts or to com-  
17 munity notions. The right to be different, to be  
18 unorthodox, to be peculiar, to be a nonconformist,  
19 is surely a natural right. This is a right which  
20 required little protection in the frontier com-  
21 munity and did not justify Constitutional enumera-  
22 tion since it was not at issue.  
23

24 6. The right to the pursuit of happiness. Here-  
25 tofore, we have discussed specific, justiciable  
26 rights. However, as we have stated earlier, the  
27 unenumerated rights embrace broad principles which  
28 may or may not be justiciable in nature, but will  
29 add flavor and color to the specific rights and  
30 from which, during the course of the evolution of  
31 civilization and society, new specific rights may  
32 be spawned.  
33

34 Surely the right to the pursuit of happiness is  
35 one such primordial right. VonEckardt has urged  
36 that the pursuit of happiness, considered as a  
37 right, i.e. "as inherent in the very constitution  
38 of the human being", can be the foundation; of a  
39 philosophy of government.<sup>44</sup> From this basic right  
40 is derived "all of the conditions that preserve  
41 human life and all of those conditions which foster  
42 the use of the natural powers of the will and the  
43 intellect". In those States which recognize the  
44 pursuit of happiness as an enumerated right, supra,  
45 this right has been considered basic in assisting  
46 the individual to achieve conditions of maximum  
47 growth. Chafee has stated that too much of the  
48

49 44. Von Eckardt, The Pursuit of Happiness in the  
50 Democratic Creed, Frederick A. Praeger,  
51 New York: 1959

1 emphasis in the Bill of Rights is on protecting  
2 man "from" something. He urges that there must  
3 be liberty for something.<sup>45</sup> Under the concept  
4 of the pursuit of happiness, positive rights can  
5 be recognized and affirmative assurance can be  
6 given to the individual for his motion forward in  
7 the world today and tomorrow.

8  
9 8. Social and Economic Rights. Social and  
10 economic "rights" as State recognized rights, have  
11 been taboo in the American System although many  
12 such rights have long been stated as ideals in the  
13 constitutions of other countries.<sup>46</sup>

14  
15 In a realistic conception of man as man, the last  
16 two of the so-called Four Freedoms--freedom from  
17 want and freedom from fear--are surely primordial  
18 rights as much as the first two--freedom of expres-  
19 sion and freedom of conscience. As President  
20 Franklin Roosevelt stated, "Necessitous men are  
21 not free men."<sup>47</sup>

22  
23 However, I do not consider that these rights  
24 must be judiciously enforceable. I conceive some-  
25 thing like the Constitution of India where the  
26 traditional common law rights are enumerated, fol-  
27 lowed by a "Statement of Directive Principles".  
28 The Statement is declared to be not "enforceable  
29 by any Court" but is merely for the guidance of  
30 the State in promoting the welfare of the people.  
31 There follows (Art.39) a list of specific social  
32 and economic rights. I submit that the rights  
33 protected by the Ninth Amendment may be primordial  
34 social and economic rights and although non-  
35 justiciable, they nevertheless exist for the guid-  
36 ance of government. Consequently, just as the  
37 Bills of Rights of many States declare that

38  
39 45. Chafee, The Blessings of Liberty, J.B.  
40 Lippincott Company, New York: 1956, p. 109.

41 46. Spain, Constitution of December 9, 1931:  
42 The Republic shall assure to every worker  
43 the conditions necessary for a fitting ex-  
44 istence. (Art.46); Weimer Republic, 1919:  
45 It is the duty of the State "to maintain  
46 the purity, health and social welfare of  
47 the family". (Art.119); Mexico, 1917: The  
48 right "to equitable salaries and to satis-  
49 factory working conditions." (Articles XXIX  
50 and XXX) Collected in Gurvitch, The Bill of  
51 Social Rights, International Universities  
52 Press, New York: 1946, pp. 22-32

53 47. Radio Speech, January 12, 1944, in Gurvitch,  
54 ibid p.151

1 recurrence to the fundamental principles of  
2 government and piety, etc., will preserve democ-  
3 racy, so the Four Freedoms and the economic and  
4 social rights of human beings may be found among  
5 the unenumerated primordial rights.

#### 6 7 IV. CONCLUSION 8

9 The key to vibrant democracy must lie in its  
10 ability to improve the lot of citizens who live  
11 within its aegis. A concept of Human Rights,  
12 capable of growth and expansion, capable of meet-  
13 ing changing conditions, is a proper foundation  
14 for the hope of the world. In the Communist  
15 world, there is evidence of a new humanism stirr-  
16 ing<sup>48</sup> and there is evidence that Human Rights may  
17 be a common talking point between the two systems  
18 of government which control most of the world  
19 today. We believe that Rights are the central  
20 theme of democracy--we submit that the Ninth  
21 Amendment is the chosen vehicle for the Constitu-  
22 tional recognition of the great Rights of Man.

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48 48. Socialist Humanism, ed. by Erich Fromm, Double-  
49 day & Company, Garden City, New York: 1965.  
50





THE PRIMORDIAL NINTH - 4<sup>9</sup>  
THE CONSTITUTIONAL RESERVATION OF  
THE RIGHTS OF MAN

The enumeration in the constitution,  
of certain rights, shall not be construed  
to deny or disparage others retained by the people.

INTRODUCTION

"What are these other rights retained by  
the people? To what law shall we look  
for their source and definition?...these  
Ninth Amendment rights which are not to  
be disturbed by the Federal Government  
are still a mystery to me."

These words were written by Justice Robert H. Jackson shortly  
before his death in October, 1954. When asked by a friend to  
explain the meaning of the Ninth Amendment, the Justice  
states that he could not recall what the Ninth Amendment was.  
Furthermore, he could not recall an argument before the Court  
based upon the Amendment nor did he remember ever having  
heard the Amendment mentioned by any Justice of the Court.  
The Ninth Amendment, he concludes, may be drifting into  
oblivion.<sup>1</sup>

1. Robert H. Jackson, The Supreme Court in the American  
System of Government, Harvard University Press,  
Cambridge: 1955, p. 74.



There are certain aspects of the Ninth Amendment which unfold readily before the legal eye without the requirement or research either into case law or into history. By its very words, the Ninth Amendment is a rule of construction. It states that the maxim Expressio Unius Est Exclusio Alterius shall not be applied to the construction of enumerated rights in the Constitution.<sup>2</sup> And not only do the plain words of the Amendment bear out this explanation, this was the meaning propounded by James Madison when he first elaborated on the proposed Bill of Rights to the House of Representatives. The purpose of this Amendment, Madison said, was to refute the most "plausible" objection to the inclusion of any Bill of Rights at all; namely, that "those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure."<sup>3</sup>

Therefore, this much is clear: The people commenced with rights prior to the formation of the Constitution. The draftsmen wanted to be absolutely certain that all of these rights remained intact notwithstanding the listing of a few.

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2. See also 2 Story, Commentaries on the Constitution of The United States, 5th ed. 1891, p. 651

3. I Annals of Congress 440 (Gales and Seaton ed. 1834)

# Constitutional Convention

## COMMITTEE MEMORANDUM NO. R&P-1

BY THE COMMITTEE ON PERSONAL RIGHTS AND THE  
PREAMBLE, Richard W. Kiefer, Chairman

November 15 , 1967.

In support of Committee Recommendation No. R&P-1

### I

#### INTRODUCTION

Richard Kiefer  
University of Maryland Law School  
College Park, Md.

Committee Recommendation R&P-1 consists of a Preamble followed by a Declaration of Rights. Incorporated in the recommendation are a number of articles from the present Declaration of Rights and several other provisions found elsewhere in the Constitution. The Committee is of the opinion that certain other provisions of the present Declaration of Rights, as well as other sections of the Constitution assigned to this Committee for consideration, should be retained in the proposed Constitution but not in the Declaration of Rights. A recommendation will be made later with respect to these provisions.

Recommendation R&P-1 is premised on the belief that a Declaration of Rights should reserve and declare those personal rights of individuals which no governmental official, agency, instrumentality, or political subdivision, and no transient majority, may transgress, abridge or diminish.

In arriving at its recommendations, the Committee has considered 123 proposals submitted by delegates to the Convention and referred to the Committee. It has heard from

1 approximately one hundred witnesses ranging from  
2 expert constitutional lawyers to individuals  
3 concerned only with espousing a particular  
4 cause. The Committee has received numerous  
5 letters, memoranda and position papers from  
6 individuals and groups. In addition, it was  
7 provided with a summary of the transcript of the  
8 proceedings of the Constitutional Convention  
9 Commission, the First and Sixth Reports of the  
10 Commission, and several research studies made  
11 for the Commission.  
12

13 Many of the Committee's recommendations  
14 correspond with the limitations contained in the  
15 Bill of Rights of the Constitution of the United  
16 States (the first eight amendments). The  
17 Supreme Court of the United States has held that  
18 the due process clause of the Fourteenth Amend-  
19 ment provides that many of the guarantees of the  
20 Bill of Rights are protected from infringement  
21 by state action and it is quite possible that  
22 all will be eventually covered by the broad  
23 umbrella of the Fourteenth Amendment. Therefore,  
24 where practical, the Committee has utilized the  
25 exact language of the Constitution of the  
26 United States so that the controlling body of  
27 case law as now established and continually being  
28 developed will be available to implement the  
29 same provisions of the Maryland Constitution.  
30

31 The Committee has rejected all purely  
32 exhortatory language of the present Declaration  
33 of Rights and confined its recommendations to  
34 judicially enforceable protections of individual  
35 rights from state encroachment. We have,  
36 however, attempted to recognize broad concepts  
37 sufficiently flexible to include rights  
38 relevant or material to the problems of succeed-  
39 ing generations.  
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II

RECOMMENDATIONS

THE PREAMBLE

We, the people of the state of Maryland, grateful to Almighty God for our civil and religious freedom; recognizing that all political power originates in the people and that all government is instituted to secure their right to life, liberty and the pursuit of happiness; and acknowledging our duty and responsibility to posterity, do establish and ordain this Constitution.

The Committee unanimously agreed that the new Constitution should be preceded by a preamble to express the philosophy, purpose and aspirations of the government being established.

In considering the content of the preamble, the Committee deemed it essential to state the people's gratitude to a Higher Source of Power. A reference to Almighty God has been in the preamble of most of the previous Maryland Constitutions and has reflected the sentiments of the people of the State.

The Committee considered the concepts expressed in Section 1.01 of the Constitutional Convention Commission draft concerning the purpose of government and, after due debate, decided to incorporate these concepts within the framework of the preamble rather than in the Declaration of Rights. The Committee also decided to retain some of the graceful language of the present preamble.

In order to give the people of Maryland a chance to participate in the writing of the Constitution, the Committee invited the public to submit ideas or the wording of a preamble. Specifically, it encouraged students in public,



1 private, and parochial schools to submit  
2 preambles. Over 1,100 proposals were  
3 received from students throughout the State.  
4 Members of a sub-committee examined all  
5 preambles submitted including those set forth  
6 in delegate proposals. The recommended preamble  
7 was developed from the submissions and, after  
8 extensive discussion and editing, was  
9 adopted by a vote of 16 to 1.

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11  
12  
13 Section 1. Freedom of Expression  
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16

17 (A) The people shall have the right  
18 peaceably to assemble and to petition  
19 the government for the redress of  
20 grievances.  
21

22  
23  
24 These rights, constitutionally recognized  
25 in Maryland since 1776, can be traced to  
26 Chapter 61 of the Magna Carta of 1215. They are  
27 included in the First Amendment to the United  
28 States Constitution and are applicable to the  
29 States through the Fourteenth Amendment.(1)  
30

31 Historically, the right of petition was  
32 the primary right, as if the guarantee read:  
33 the people shall have the right peaceably to  
34 assemble in order to petition the government.  
35 Today, however, the right to assemble is  
36 considered equally as fundamental.  
37

38 This recommendation states the rights  
39 positively in language similar to that of the  
40 First Amendment. The right to petition the  
41 Legislature in Article 13 of the present  
42 Declaration of Rights has been broadened to  
43 the right to petition the government, an  
44 expansion in conformity with current  
45 constitutional law.  
46

47 The Committee intends that these rights,  
48 and any limitations thereto, be developed by the  
49 orderly process of law.  
50



1 (1) DeJonge v. Oregon, 299 U.S. 353 (1937).

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(B) Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

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Free expression is basic to our democratic republic. Freedom of the press and the right to speak freely have been guaranteed in every Maryland Constitution and in the First Amendment to the Constitution of the United States. The United States Supreme Court described these freedoms, as follows:

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"For present purposes we may and do assume that freedom of speech and of the press-which are protected by the First Amendment from abridgement by Congress-are among the fundamental personal rights and 'liberties' protected by the due process clause of the Fourteenth Amendment from impairment by the States."(1)

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The Committee intends to reaffirm these fundamental principles. Justice Holmes relied on established tradition when he stated, "...the best test of truth is the power of the thought to get itself accepted in the competition of the market....That at any rate is the theory of our Constitution."(2)

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The final clause of the recommendation, providing for individual responsibility for abuse of freedom of press and speech, is paraphrased from Article 40 of the present Declaration of Rights. These rights are not unlimited, as the Supreme Court has held in the past,(3) and the courts possess the authority to decide the extent to which they are applicable.

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(1) Gitlow v. New York, 268 U.S. 652 (1925).  
See also Fiske v. Kansas, 274 U.S. 380 (1927) and Near v. Minnesota, 283 U.S. 697 (1931).

- 1 (2) Abrams v. United States, 250 U.S. 616, 630  
2 (1919), dissenting opinion.  
3  
4 (3) Schenck v. United States, 249 U.S. 47  
5 (1919). See also Gitlow v. New York,  
6 268 U.S. 652 (1925); Roth v. United States,  
7 354 U.S. 476 (1957); Times Film Corp. v.  
8 Chicago, 365 U.S. 43 (1961); and Sheppard v.  
9 Maxwell, 384 U.S. 333 (1966).  
10  
11  
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13 Section 2. Freedom of Religion  
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17 No law shall be made respecting  
18 an establishment of religion, nor  
19 prohibiting the free exercise  
20 thereof.  
21  
22  
23

24 This recommendation on religious freedom  
25 parallels as nearly as possible the corresponding  
26 language of the First Amendment of the United  
27 States Constitution. It replaces Articles 36,  
28 37, 38 and 39 of the present Declaration of Rights.  
29

30 Articles 36 and 37 in so far as they  
31 require a religious belief have been declared  
32 unconstitutional by the Supreme Court of the  
33 United States and the Court of Appeals of  
34 Maryland.(1) Article 38 which forbids the gift,  
35 sale or devise of land to any minister, preacher  
36 of the gospel and other persons and organizations  
37 therein mentioned under certain circumstances and  
38 limitations without the prior or subsequent  
39 sanction of the Legislature is now inoperative  
40 since the required approval was removed by  
41 constitutional amendment in 1948. Article 39,  
42 while never specifically challenged in the courts,  
43 is not likely to be upheld in view of the court  
44 decisions concerning Articles 36 and 37.  
45

46 The Committee believes that the First  
47 Amendment provides a far more effective separation  
48 between church and state than is presently  
49 provided by the Maryland Constitution.(2)  
50 Just how far the First Amendment does reach is

1 clearly set forth by the United States Supreme  
2 Court in Everson v. Board of Education of Ewing  
3 T.P., 330 U.S. 1 (1947) at page 15:

4  
5 "The 'establishment of religion' clause  
6 of the First Amendment means at least this:  
7 Neither a state nor the Federal Government  
8 can set up a church. Neither can pass laws  
9 which aid one religion, aid all religions, or  
10 prefer one religion over another. Neither  
11 can force nor influence a person to go to or  
12 to remain away from church against his will or  
13 force him to profess a belief or disbelief in  
14 any religion. No person can be punished for  
15 entertaining or professing religious belief or  
16 disbeliefs, for church attendance or non-  
17 attendance. No tax in any amount, large or  
18 small, can be levied to support any religious  
19 activities or institutions, whatever they may  
20 be called, or whatever form they may adopt to  
21 teach or practice religion. Neither a state  
22 nor the Federal Government can, openly or  
23 secretly, participate in the affairs of any  
24 religious organizations or groups and vice-  
25 versa. In the words of Jefferson, the clause  
26 against establishment of religion by law was  
27 intended to erect 'a wall of separation between  
28 church and state.'"

29  
30 It would be most difficult if not  
31 impossible to cover in constitutional language  
32 every situation which might arise presently or  
33 in the future and in which state action is  
34 challenged as aiding religion or a specific  
35 sectarian group. Such specific situations must  
36 be left to legislative prohibition or judicial  
37 interpretation.

38  
39 In summary, the Committee's recommenda-  
40 tion is premised on the conviction that the  
41 adoption of First Amendment language will pro-  
42 vide effective separation of church and state.

- 43  
44 (1) Torcaso v. Watkins, 367 U.S. 488 (1961).  
45 See also Murray v. Curlelt, 374 U.S. 203,  
46 (1963) and Schowgurow v. Maryland, 240 Md.  
47 121, 213 A.2d 475 (1965).  
48  
49 (2) Horace Mann League v. Board of Public Works,  
50 242 Md. 645, 690, 220 A.2d 51 (1965).



1                   Section 3.   Right to Due Process and  
2                                   Equal Protection.  
3  
4  
5

6                   No person shall be deprived of life,  
7                   liberty, or property, without due  
8                   process of law; nor be denied the  
9                   equal protection of the laws.  
10

11  
12  
13                   The Committee believes that a simple  
14                   and direct "due process" clause incorporates all  
15                   the protection presently provided by Articles  
16                   19, 20, 23, and probably 32 of the Declaration  
17                   of Rights. The language used is that of the  
18                   Fifth and Fourteenth Amendments to the United  
19                   States Constitution and is also substantially  
20                   the same as in Article 23 of the present  
21                   Declaration. "The law of the land," the  
22                   phrase contained in Articles 19 and 23 of the  
23                   present Declaration, has been interpreted by both  
24                   State and Federal courts to be the same concept  
25                   as due process of law.  
26

27                   Due process of law provides procedural  
28                   and substantive protection to individuals  
29                   against all forms of arbitrary and capricious  
30                   governmental action and the protection against  
31                   the denial of fundamental rights recognized by  
32                   our system of jurisprudence. It is an expanding  
33                   concept, a phrase without rigid definition,  
34                   intended to guarantee freedoms implicit in the  
35                   concept of ordered liberty.  
36

37                   The second clause of the Section adds  
38                   the "equal protection of the laws" concept to  
39                   the Declaration of Rights, one not now  
40                   expressly stated in the present Maryland  
41                   Constitution. This is the language of the  
42                   Fourteenth Amendment and was and is designed  
43                   to ensure that all persons are protected  
44                   against invidious discrimination by state  
45                   action. It establishes the equality of all  
46                   persons in the enjoyment of basic civil and  
47                   political rights.  
48

49                   The Committee eliminated that portion  
50                   of the Constitutional Convention Commission



1 draft that proscribed "discrimination by law or  
2 other governmental action because of religion,  
3 race, color, or national origin." It is the  
4 Committee's belief that a specific enjoinder of  
5 discrimination is redundant and probably  
6 restrictive because the equal protection clause  
7 may provide broader protection against state-  
8 sponsored or state-inspired discrimination.  
9 This conviction is based upon recent court  
10 decisions interpreting the equal protection  
11 clause of the Fourteenth Amendment.

12  
13 The Committee fully recognizes the  
14 virtues and advantages of including in the  
15 Declaration of Rights the strongest possible  
16 statement that individual rights shall not be  
17 affected by race, color, creed or nationality.  
18 If there were any doubt that these rights are  
19 not fully protected from discriminatory state  
20 action by an equal protection clause, the fuller  
21 statement would be recommended without hesitation.

22  
23

24  
25 Section 4. Search and Seizure;  
26 Right to Privacy.  
27

28  
29

30 The right of the people to be secure  
31 in their persons, houses, papers and  
32 effects against unreasonable searches,  
33 seizures, interceptions of their  
34 communications, or other invasions of  
35 their privacy, shall not be violated,  
36 and no warrants shall issue, but upon  
37 probable cause, supported by oath or  
38 affirmation, and particularly  
39 describing the place to be searched and  
40 the persons or things to be seized, or  
41 the communications sought to be inter-  
42 cepted.

43  
44  
45

46 No protection is more basic to all Americans  
47 than to be free from arbitrary arrest, searches of  
48 one's house and seizure of personal papers and  
49 effects. This protection has been defined as the  
50 right of privacy. (1) As Justice Brandeis defined it,

1 it is "...the right to be left alone--the most  
2 comprehensive of rights and the most valued by  
3 civilized man." (2) The United States Supreme  
4 Court has held that the security of one's  
5 privacy against arbitrary intrusion by the  
6 police is applicable to the states under the  
7 Fourteenth Amendment.(3)

8  
9 The prohibition against unreasonable  
10 searches and seizures, which has been  
11 included in all previous Maryland Constitutions,  
12 is contained in Article 26 of the present  
13 Declaration of Rights (4) in language  
14 substantially identical to the Fourth  
15 Amendment of the United States Constitution:

16  
17 "The right of the people to be secure in  
18 their persons, houses, papers, and effects,  
19 against unreasonable searches and seizures,  
20 shall not be violated, and no warrants shall  
21 issue, but upon probable cause, supported  
22 by Oath or affirmation, and particularly  
23 describing the place to be searched, and the  
24 person or things to be seized."

25  
26 The Committee recommendation adds  
27 "interceptions of their communications, or  
28 other invasions of their privacy" to the  
29 enumeration of constitutionally prohibited  
30 invasions of individual security. The purpose  
31 of the additional language is to protect the  
32 privacy of an individual not only in his person  
33 and his property, but also in his private verbal  
34 statements and other areas of private activity.  
35 The constitutional guarantee is directed  
36 against the arbitrary use of a panoply of  
37 sophisticated detection devices by means of  
38 which the State may obtain access, with or  
39 without physical intrusion, to the most  
40 intimate privacies of a person's life.

41  
42 To the second sentence of the Fourth  
43 Amendment the recommendation adds "communica-  
44 tions sought to be intercepted" to the  
45 enumeration of "place to be searched and the  
46 persons or things to be seized." The intent  
47 of the Committee is not to place a total con-  
48 stitutional ban on the use of detection  
49 devices by the state, but to permit intercep-  
50 tion of communications only when authorized by

1 the court under the same strict safeguards  
2 applicable to other searches and seizures.  
3 Generally, evidence obtained in violation of  
4 this section is not admissible in criminal  
5 cases.(5)

#### 6 7 Interceptions of Communications 8

9 The traditional basis of the concept  
10 of privacy under the Fourth Amendment was  
11 trespass requiring actual entries, physical  
12 intrusions and seizures of tangibles upon the  
13 person or his property by the state. The  
14 "propertied privacy" concept was reflected in  
15 Olmstead v. United States, (6) the first case  
16 before the Supreme Court dealing with wire-  
17 tapping of a telephone line by government  
18 officials. The Court sustained the  
19 constitutional validity of wiretapping and  
20 held that the Fourth Amendment was not  
21 violated: first, because there had been no  
22 trespass and therefore no physical intrusion,  
23 and second, because the Fourth Amendment was  
24 directed only to the seizure of "tangible  
25 material effects," not conversation. In 1942  
26 in Goldman v. United States, (7) a case  
27 involving eavesdropping on room conversations  
28 by federal officers by means of a wall  
29 microphone from an adjoining room, the theory  
30 of Olmstead was extended to bugging practices.  
31 Where there is a trespass by a device for  
32 eavesdropping which penetrates the wall only  
33 by a fraction of an inch, such unauthorized  
34 penetration violates the Fourth Amendment.(8)  
35 This anomalous treatment of electronic  
36 surveillance devices is largely a result of  
37 the concept that a violation of the Fourth  
38 Amendment is dependent upon an actual  
39 intrusion upon private property and seizure of  
40 tangibles rather than upon the gravity of the  
41 invasion of privacy.  
42

43 The erosion of the strict reliance on  
44 the "propertied privacy" concept as stated in  
45 Olmstead began with the enactment by Congress  
46 of laws making illegal the unauthorized  
47 interception and divulgence of any communica-  
48 tions, (9) Once wiretapping became prohibited,  
49 the courts have held that wiretap evidence and  
50 the fruits of such evidence are inadmissible in

1 federal courts.(10)

2

3 The trespass concept has been modified  
4 so as to be based not upon technicality, but  
5 upon intrusion into a protected area.(11) In  
6 Wong Sun v. United States,(12) the Supreme  
7 Court modified its position that only  
8 tangibles could be seized. The Court banned  
9 under the Fourth Amendment not only physical,  
10 tangible materials obtained either during or  
11 as a direct result of an unlawful invasion,  
12 but also the overhearing of verbal statements.  
13 Just recently, the Court held that a wiretap of  
14 a telephone accomplished without a physical  
15 trespass was not validated by a court order,  
16 when the statute under which the court order  
17 was issued did not establish the procedural  
18 safeguards required by the Fourth Amendment.(13)

19

#### 20 Wire-tapping in Maryland

21

22 In 1956 the General Assembly enacted  
23 legislation to prohibit wire-tapping except  
24 under judicial control. Prior to that year,  
25 wire-tapping was not forbidden by the  
26 Constitution and laws of Maryland.(14)

27

28 Article 35, Section 92, of the Maryland  
29 Code (15) sets out the intent of the  
30 Legislature:

31

32 "The right of the people to be secure against  
33 unreasonable interception of telephonic and  
34 telegraphic communications shall not be  
35 violated....It is further declared to be the  
36 public policy of the State that detection of  
37 the guilty does not justify investigative  
38 methods which infringe upon the liberties of  
39 the innocent."

40

41 Under the statute, wire-tapping by any  
42 person is prohibited except for telephone or  
43 telegraph company personnel in the course of  
44 maintaining service. Wire-taps to apprehend a  
45 criminal or to prevent a crime are allowed, but  
46 only after certain procedures are followed. An  
47 ex-parte order may be issued by a judge after an  
48 affidavit and a petition are submitted setting  
49 out the purpose, the crimes to be prevented, the  
50 circumstances, and the telephone or telegraph



- 1 line to be intercepted. The order cannot extend  
2 for more than thirty days.(16) Only evidence  
3 obtained in conformity with the provision of the  
4 law is admissible in court, and then only in a  
5 prosecution for the crime or crimes specified in  
6 the court order.(17)  
7
- 8 (1) Alan Westin, Privacy and Freedom,  
9 Ch. 13 (1967).
- 10 (2) Olmstead v. United States, 277 U.S. 438,  
11 478 (1928), dissenting opinion.
- 12 (3) Wolf v. Colorado, 338 U.S. 25, 27 (1949).  
13 See also Camara v. Municipal Court, 385 U.S.  
14 (1967), and See v. Seattle, 385 U.S.  
15 808 (1967), which held that the protection  
16 of the Fourth Amendment prohibits  
17 arbitrary invasions by state governmental  
18 officials to inspect private and commercial  
19 establishments for violations of fire and  
20 building codes.
- 21
- 22 (4) Article 26 provides:  
23 "That all warrants, without oath or  
24 affirmation, to search suspected places,  
25 or to seize any person or property, are  
26 grievous and oppressive; and all general  
27 warrants to search suspected places, or to  
28 apprehend suspected persons, without  
29 naming or describing the place, or the  
30 person in special, are illegal, and ought  
31 not to be granted."  
32
- 33 (5) Mapp v. Ohio, 367 U.S. 643 (1961). Cf.  
34 Berger v. New York, 385 U.S. 967 (1967).
- 35 (6) 277 U.S. 438, 468 (1928).
- 36 (7) 316 U.S. 129 (1942).
- 37 (8) Silverman v. United States, 365 U.S. 505  
38 (1961). See also Clinton v. Virginia, 377  
39 U.S. 158 (1964).
- 40 (9) 47 U.S.C.A. §605.
- 41 (10) Nardone v. United States, 302 U.S. 379 (1938).
- 42 (11) Silverman v. United States, 365 U.S. 505,  
43 512 (1961).
- 44 (12) 371 U.S. 471 (1963).
- 45 (13) Berger v. New York, 385 U.S. 967 (1967).  
46 The Court stated the primary purpose of  
47 the procedural safeguards of the Fourth  
48 Amendment is to protect privacy.
- 49 (14) Manger v. State, 214 Md. 71, 133 A.2d 78  
50 (1957).

- 1 (15) 1965 Replacement Volume.  
2 (16) Article 35, §94(f).  
3 (17) Article 35, §97. See also Robert v. State,  
4 220 Md. 159, 151 A.2d 737 (1959) and  
5 Article 27, §§125 A, B, 585 (1957).  
6  
7  
8

9 Section 5. Rights of Accused.  
10  
11  
12

13 (A) A person accused of crime shall  
14 have the right to be informed of the  
15 nature and cause of the accusation in  
16 time to prepare his defense; to have the  
17 assistance of counsel for his defense;  
18 to be confronted with the witnesses  
19 against him; to have compulsory process  
20 for obtaining witnesses; and to have a  
21 speedy and public trial by an impartial  
22 jury of twelve without whose unanimous  
23 consent he shall not be adjudged guilty.  
24  
25  
26

27 One of the distinguishing characteristics  
28 of the American system of criminal justice has  
29 been the constitutional protection afforded a  
30 person accused of crime. We operate by a system  
31 dedicated to the proposition that a person is  
32 presumed innocent until proven guilty. To secure  
33 that right, Article 21 of the present Declaration  
34 of Rights, and the Sixth Amendment to the United  
35 States Constitution, establish certain safeguards  
36 for the accused--to ensure that he not be  
37 deprived of his liberty through a criminal  
38 prosecution and conviction without first  
39 receiving due process of law. The Committee  
40 recommends these rights be reaffirmed in the  
41 Constitution.  
42

43 Knowledge of the Accusation  
44

45 No person can reasonably expect to defend  
46 himself in any prosecution unless he knows the  
47 precise crime he allegedly has committed. The  
48 notice must describe the particular offense with  
49 such reasonable certainty as to inform the  
50 accused of the nature and cause of the charge

1 against him so that he may prepare his defense  
2 and be able to assert a judgment as a bar to a  
3 subsequent prosecution for the same offense.  
4

5 This requirement of notice implies that  
6 the accused must be timely informed so that  
7 neither his rights nor his liberty will be  
8 jeopardized. However, the Committee thought it  
9 important to state specifically that he be  
10 informed in time to prepare his defense. The  
11 phrase "nature and cause" also incorporates the  
12 common law rule that statutes fixing or declaring  
13 offenses are not to be construed to embrace  
14 offenses not within their intention and terms.  
15

#### 16 Assistance of Counsel

17  
18 The right of a defendant to have the  
19 assistance of counsel for his defense has been  
20 extended over the years by court decisions. The  
21 Sixth Amendment guarantee has been made obliga-  
22 tory upon the states by the due process clause of  
23 the Fourteenth Amendment as a right "fundamental  
24 and essential to fair trials." (1)  
25

26 The Committee does not intend that this  
27 recommendation formulate a new rule requiring  
28 the State to provide counsel for a person accused  
29 of crime in every case in which he cannot himself  
30 provide counsel. The obligation of the State to  
31 provide counsel to persons accused of crime will  
32 continue to be based upon the due process clauses  
33 of the Maryland and Federal Constitutions and can  
34 change by legislative and judicial development.(2)  
35

#### 36 Confrontation of Witnesses

37  
38 Basic to a fair trial is the prohibition  
39 that guilt be adjudged on the basis of testimony  
40 given in secret or without the opportunity of  
41 hearing and then examining a witness. This right  
42 is secured by the State and Federal Constitutions.  
43

44 The Committee has not retained the  
45 language of Article 21 which specifically provides  
46 for the right "to examine the witnesses for and  
47 against him on oath" because the phrase "to be  
48 confronted with" implies the right of the accused  
49 to examine and cross-examine the witnesses for  
50 and against him. Under present law, a witness,

1 in order to qualify, must testify under oath or  
2 affirmation.(3)

### 3 4 Compulsory Process

5  
6 The Sixth Amendment gives the accused  
7 the right "to have compulsory process for  
8 obtaining witnesses in his favor," and Article 21  
9 guarantees the right "to have process for his  
10 witnesses." This recommendation coincides with  
11 the Sixth Amendment, except that the Committee  
12 felt it was unnecessary to designate whose  
13 witnesses, and was of the opinion that it is  
14 overly restrictive to insist that the accused  
15 designate the witnesses in his favor. It is the  
16 intent of the Committee that this recommendation  
17 retain this right as it has developed by court  
18 interpretation.

### 19 20 Jury Trial

21  
22 The requirement that a trial be speedy  
23 and public is a guarantee of the Sixth  
24 Amendment. Article 21 guarantees only the  
25 right to a speedy trial. It is fundamental that  
26 a criminal trial be conducted under public  
27 scrutiny and not as a "star chamber" secret  
28 proceeding,(4) and that a defendant be tried at  
29 the earliest possible time under the prevailing  
30 circumstances.(5)

31  
32 In order to have a fair trial by jury,  
33 the jury must necessarily be impartial. This  
34 right is guaranteed by both the Sixth Amendment  
35 and Article 21 of the Maryland Declaration of  
36 Rights.

37  
38 The Sixth Amendment has been interpreted  
39 to require that a jury must consist of twelve  
40 men, neither more nor less,(6) and the verdict  
41 must be unanimous.(7) The Committee, however,  
42 believed it advisable to state the specific  
43 number of jurors and the requirement of a  
44 unanimous verdict.

- 45  
46 (1) Gideon v. Wainwright, 372 U.S. 335 (1963).  
47 (2) White v. Maryland, 373 U.S. 59 (1963). See  
48 also Miranda v. Arizona, 384 U.S. 436 (1966).  
49 (3) White v. State, 244 Md. 188, 233 A.2d 259  
50 (1966).



- 1 (4) Dutton v. State, 123 Md. 373, 91 Atl. 417  
2 (1914).  
3 (5) United States v. Provoo, 350 U.S. 857 (1955).  
4 (6) Thompson v. Utah, 170 U.S. 343, 350 (1898).  
5 See also Rasmussen v. United States,  
6 197 U.S. 516 (1905).  
7 (7) Maxwell v. Dow, 176 U.S. 581, 586 (1900).  
8 See also Andres v. United States,  
9 333 U.S. 740 (1948).

10  
11  
12  
13 (B) An accused, except in cases  
14 punishable by death or life imprison-  
15 ment, shall be entitled to release  
16 pending trial conditioned only upon  
17 such bail or other terms as are  
18 reasonably necessary to secure his  
19 appearance before the court.  
20

21  
22  
23 This recommendation establishes the  
24 constitutional right of an accused in other  
25 than cases punishable by death or life  
26 imprisonment to be released pending trial,  
27 subject only to those conditions reasonably  
28 necessary to ensure his appearance in court.  
29 This section does not prohibit the release of  
30 an accused in a case punishable by death or life  
31 imprisonment. In those cases an accused may  
32 be released at the discretion of the court, as  
33 has always been the case. He would not have a  
34 constitutional right to release as provided by  
35 this recommendation.  
36

37 Maryland has long recognized the common  
38 law right of an accused to be released on bail  
39 in appropriate situations.(1) In 1965, the  
40 General Assembly enacted a broad release act,  
41 which provides: "When from all the circumstances  
42 the court is of the opinion that any accused  
43 person in a criminal case will appear as  
44 required for trial either before or after his  
45 conviction, the person may be released on his  
46 own recognizance." (2) The Legislature further  
47 provided that this statute is to be liberally  
48 construed "to effectuate the purpose of relying  
49 upon criminal sanctions instead of financial  
50 loss to assure the appearance of an accused

1 person in a criminal case either before or  
2 after trial of the case." (3) The statute  
3 applies to any criminal case except a case  
4 where death or life imprisonment without  
5 parole is a possible punishment.

6  
7 Recent studies (4) have demonstrated  
8 that the requirement of money bail or other  
9 security has been unduly harsh on many persons  
10 who do not present a significant risk of  
11 flight. Yet they remain in custody because  
12 they are unable to raise money for bail or  
13 the amount required to obtain a bond. Also,  
14 in Baltimore and elsewhere, recent programs  
15 of releasing selected individuals on their own  
16 recognizance pending trial has proved highly  
17 successful, and the percentage of those who  
18 have failed to appear for trial has been  
19 consistently lower than for those released on  
20 bail.

21  
22 This recommendation would condition the  
23 right to pre-trial release on terms, not  
24 necessarily money bail, only to assure the  
25 person's appearance. Present practice in many  
26 police precincts and State courts is to require  
27 automatically money bail for release, or posting  
28 a bail bond. This practice obviously works  
29 particular hardships on the poor. Incarceration  
30 solely because of inability to raise money bail  
31 unduly subjects the accused to economic and  
32 psychological hardship, interferes with his  
33 ability to defend himself and, in many cases,  
34 deprives his family of support. Moreover, the  
35 maintenance of defendants in jail and their  
36 families on welfare represents major public  
37 expenses. Finally, a person in jail for a long  
38 period is harder to rehabilitate and to relocate  
39 in gainful employment.

40  
41 This proposal will provide the means  
42 for rational decisions based on verified facts,  
43 shift reliance for release from money bail to  
44 non-monetary conditions and increase the number  
45 of persons who, consistent with the public  
46 interest, may be released on personal recognizance.

47  
48 The injunction that excessive bail not  
49 be required, stated in Section 8 (A) of this  
50 Recommendation, applies to all instances when

1 bail is set, pre-trial or on appeal.

- 2  
3 (1) Fischer v. Ball, 212 Md. 517, 129 A.2d 822  
4 (1957); Maryland Rules 777.  
5 (2) Article 27, Section 638A (a) (1967 Supp.).  
6 (3) Article 27, Section 638A (b).  
7 (4) President's Commission on Law Enforcement  
8 and Administration of Justice, The  
9 Challenge of Crime in a Free Society (1967);  
10 Foote, The Coming Constitutional Crisis  
11 In Bail I, II, 113 U.Pa.L.Rev. 959, 1125  
12 (1965); Freed and Wald, Bail in the  
13 United States (1964); Maryland State Bar  
14 Association, Report of the Sub-Committee  
15 on Bail Bond Reform, May 1966, Revised  
16 January 1967.

17  
18  
19  
20 Section 6. Right Against Self-  
21 Incrimination and Double  
22 Jeopardy.  
23

24  
25  
26 (A) No person shall be compelled  
27 in any criminal case to be a witness  
28 against himself.  
29

30  
31  
32 "The American system of criminal prosecu-  
33 tion is accusatorial, not inquisitorial, and...  
34 the Fifth Amendment privilege is its essential  
35 mainstay...Governments, state and federal, are  
36 thus constitutionally compelled to establish  
37 guilt by evidence independently and freely  
38 secured, and may not by coercion prove a charge  
39 against an accused out of his own mouth."(1)  
40

41 The protection against self-incrimination  
42 is secured in Article 22 of the Declaration of  
43 Rights, as well as in the Fifth Amendment.  
44

45 This right extends to any witness in any  
46 proceeding in which testimony is legally  
47 required. He may refuse to answer any question  
48 where the answer may be used against him in a  
49 criminal proceeding or may uncover further  
50 evidence to be used against him. The right



1 against self-incrimination has been the subject  
2 of much interpretation. It is liberally  
3 construed to provide the fullest scope to the  
4 immunity.(2) The recommendation does not change  
5 or limit such interpretations.

- 6  
7 (1) Malloy v. Hogan, 378 U.S. 1, 7-8 (1964).  
8 (2) Allen v. State, 183 Md. 603, 39 A.2d 820  
9 (1944).

10  
11  
12  
13 (B) No person shall be twice put in  
14 jeopardy of criminal punishment for  
15 the same offense.  
16

17  
18  
19 The Committee recommends that the common  
20 law of Maryland that no person is to be brought  
21 into jeopardy more than once for the same offense  
22 be given constitutional recognition. Although  
23 this doctrine has been applied in Maryland  
24 through the common law, (1) it has never been  
25 mentioned in any of the previous Maryland  
26 Constitutions. The Fifth Amendment provision  
27 (2) in the Federal Constitution against double  
28 jeopardy has not so far been made applicable to  
29 the states.(3)  
30

31 The doctrine of double jeopardy is not a  
32 single doctrine, but is comprised of three  
33 separate but related rules, prohibiting  
34 1. reprosecution for the same offense following  
35 acquittal, 2. reprosecution for the same offense  
36 following conviction, and 3. multiple punishment  
37 for the same offense. (4)  
38

39 Notwithstanding these rules, it is  
40 possible in Maryland today for a person to be  
41 placed twice in jeopardy. This results from the  
42 General Assembly, in exercising its power to  
43 modify the common law, enacting legislation to  
44 permit the State to appeal convictions or  
45 acquittals in magistrate courts to the county  
46 circuit court.(5) On appeal, the case is tried  
47 de novo.(6) If the accused is convicted by the  
48 circuit court, his right of appeal to the Court  
49 of Appeals is limited to questions of jurisdic-  
50 tion or the constitutionality of a statute.(7)



- 1 This recommendation is intended to terminate the  
2 State's right of appeal from magistrate courts.  
3  
4 (1) State v. Barger, 242 Md. 616, 619, 220 A.2d  
5 304 (1966). See also Ford v. State, 237  
6 Md. 266, 269, 205 A.2d 809 (1965).  
7 (2) The double jeopardy provision in the Fifth  
8 Amendment is as follows: "...nor shall any  
9 person be subject for the same offense to  
10 be twice put in jeopardy of life or limb;...."  
11 (3) Palko v. Connecticut, 302 U.S. 319 (1937).  
12 (4) Patton v. State of North Carolina, 381 F.2d  
13 636, 643-644 (4th Cir. 1967). See also  
14 United States v. Ball, 163 U.S. 662, 671  
15 (1896), and Downum v. United States, 372  
16 U.S. 734 (1963).  
17 (5) Md. Code (1964 Replacement Vol.) Art. 52  
18 Sec. 13(a) (b) (1967 Supp.).  
19 (6) Md. Code (1964 Replacement Vol.) Art. 52  
20 Sec. 15.  
21 (7) Robb v. State, 190 Md. 641, 60 A.2d 211  
22 (1948).  
23  
24  
25

26 Section 7. Right to Jury Trial in  
27 Civil Cases.  
28  
29  
30

31 Every person shall have the right  
32 of trial by jury of all issues of  
33 fact in civil proceedings in the  
34 several courts of law in this State  
35 where the amount or value in contro-  
36 versy exceeds such minimum as may be  
37 fixed by law. The jury shall con-  
38 sist of not less than six as may be  
39 fixed by law, and a unanimous  
40 decision of the jury shall be  
41 required to constitute its verdict.  
42  
43  
44

45 The right to a trial by jury in civil  
46 actions has been long recognized in Maryland.  
47 This right is now contained in Articles 5 and 23  
48 of the present Declaration of Rights and Article  
49 XV, Section 6, of the Maryland Constitution.  
50

1           The Committee recommendation preserves  
2 the right but permits the General Assembly to  
3 establish a minimum jurisdictional amount. The  
4 present Constitution sets the minimum at five  
5 dollars, a sum so inconsequential by present  
6 standards that virtually every case could result  
7 in a jury trial. The retention of any fixed  
8 money standard could cause a similar situation  
9 in the future. It might also unnecessarily limit  
10 the establishment of a statewide court of  
11 limited jurisdiction.

12  
13           A majority of the Committee felt that  
14 the requirement of unanimity of verdict should  
15 be constitutionally protected. However, it felt  
16 that the size of civil juries should not be  
17 arbitrarily set by a constitutional provision  
18 and that the General Assembly should be free to  
19 reduce the number if it felt such action  
20 desirable. The Committee did feel, however, that  
21 the minimum number should be constitutionally  
22 set at six.

23  
24           The right to a jury trial in civil  
25 actions has been applicable only to actions at  
26 law, as opposed to equity, and only to cases  
27 where the right existed at common law and was  
28 recognized at the time of the adoption of the  
29 present Constitution.(1) This recommendation  
30 would not change either of these restrictions;  
31 nor would it prevent the legislature from  
32 abolishing a common law cause of action and  
33 providing a different remedy, thereby eliminating  
34 trial by jury in particular matters.(2)

35  
36 (1) Pennsylvania v. Warren, 204 Md. 467, 105  
37       A.2d 488 (1954).

38 (2) Branch v. Indemnity Insurance Co., 156  
39       Md. 482, 144 Atl.696 (1929).

40

41  
42  
43           Section 8. Unusual Punishments.

44

45

46  
47           (A) Excessive bail shall not be  
48           required, nor excessive fines imposed,  
49           nor cruel and unusual punishment  
50           inflicted.

1 This recommended provision is identical  
2 to the Eighth Amendment to the United States  
3 Constitution(1) and incorporates all of the  
4 protections contained in Articles 16 and 25 of  
5 the present Declaration of Rights, protections  
6 which have remained unchanged throughout all of  
7 the previous Maryland Constitutions.  
8

9 The injunction against excessive bail  
10 has been interpreted by the Supreme Court to  
11 prevent bail being set at an amount higher  
12 than reasonably calculated to ensure the  
13 presence of an accused.(2) The test to be used  
14 is whether the amount required is reasonable.  
15 High bail in order to punish a defendant, to  
16 guarantee that he spend at least some time  
17 behind bars, or to placate the outraged  
18 sentiment of a community, would be excessive.  
19 This is an additional protection to the right of  
20 pre-trial release recommended in Section 5 (B)  
21 and applies before and following a conviction.  
22

23 The prohibition against excessive fines  
24 is a basic right that has long been recognized.  
25 Magna Carta provided that a freeman was not to  
26 be fined for a small offense, but only  
27 according to the degree of the fault, and for a  
28 great crime, in proportion to its seriousness.(3)  
29

30 Cruel and unusual punishments cannot be  
31 defined precisely. The basic concept "is nothing  
32 less than the dignity of man" and a guarantee of  
33 "the principle of civilized treatment." The  
34 Eighth Amendment "must draw its meaning from the  
35 evolving standards of decency that mark the  
36 progress of a maturing society."(4) One  
37 approach has been to apply the prohibition  
38 "against all punishments which by their  
39 excessive length or severity are greatly  
40 disproportioned to the offense charged."(5)  
41 Another has been to apply the Amendment when  
42 there is a gross disparity of punishment for  
43 crimes of varying severity.(6) Clearly cruel  
44 and unusual punishment is not determined by  
45 conditions in effect at the time the prohibition  
46 was first announced, but is interpreted from time  
47 to time in the light of changes and new conditions  
48 brought about by the passage of time. It is a  
49 progressive concept and acquires new meanings as  
50 public opinion becomes enlightened by human



1 justice.

2  
3 The Committee has omitted the admonition  
4 in Article 16 of the present Declaration that  
5 "sanguinary laws ought to be avoided as far as  
6 is consistent with the safety of the State." It  
7 has also specifically rejected Proposal 19 which  
8 would abolish all capital punishment by defining  
9 it as cruel and unusual. The exclusion of any  
10 reference to capital punishment in this section  
11 is based upon the judgment that the abolition  
12 or retention of capital punishment is a matter  
13 to be decided by the Legislature. All states  
14 which have abolished or greatly curtailed capital  
15 punishment have done so by legislation.

16  
17 The Committee does suggest, however, as  
18 does the commentary to the Commission draft, that  
19 a law prescribing capital punishment for other  
20 than a most serious crime might well be considered  
21 "cruel and unusual" by present day standards. In  
22 fact, cases challenging death sentences as  
23 cruel and unusual punishment are now pending in  
24 at least two Federal Courts.

- 25  
26 (1) The Eighth Amendment applies to state  
27 action. Robinson v. California, 370 U.S.  
28 660 (1962). See also Louisiana v.  
29 Pesweber, 329 U.S. 459 (1947).  
30  
31 (2) Stack v. Boyle, 342 U.S. 1 (1951).  
32 (3) The Bill of Rights of 1689, 1 William &  
33 Mary, sess. 2, c. 2 (1689) contained a  
34 similar prohibition.  
35 (4) Trop v. Dulles, 356 U.S. 86, 99, 100, 101 (1958).  
36 (5) O'Neil v. Vermont, 144 U.S. 323 (1892).  
37 (6) Weems v. United States, 217 U.S. 349 (1910).  
38 See also Mitchell v. State, 82 Md. 527,  
39 34 Atl. 246 (1896).  
40

41  
42  
43 (B) No conviction of crime shall work  
44 corruption of blood or forfeiture of  
45 estate.  
46

47  
48  
49 This protection is nearly identical to  
50 that provided in Article 27 of the Declaration



1 of Rights of the present Constitution and to  
2 similar provisions in previous Maryland  
3 Constitutions.

4  
5 At common law, when sentence was  
6 pronounced for a capital offense, the offender,  
7 by operation of law, was placed in a state of  
8 attainder, of which there were three principal  
9 incidents--forfeiture of property, corruption of  
10 blood, and an extinction of civil rights, which  
11 was called "civil death." The goods, chattels,  
12 lands and tenements of the convicted felon were  
13 forfeited to the Crown; the blood of the  
14 convicted person was deemed to be corrupt so  
15 that he could not transmit his estate to his  
16 heirs; and civil death disqualified him from  
17 being a witness, bringing a legal action or  
18 performing any legal function.(1)

19  
20 In addition to the constitutional  
21 limitation in Maryland, the protections are  
22 provided by statute.(2) There are no Maryland  
23 cases dealing directly with the prohibitions.

24  
25 The Committee believes that although the  
26 terms "forfeiture of estate" and "corruption of  
27 blood" are no longer in common use, they have  
28 significant historical and legal connotations and  
29 any attempt to rephrase them may weaken the  
30 strength of the prohibition. It is desirable  
31 that there be a specific guarantee that a  
32 criminal's innocent relatives shall not be  
33 punished with him, that the heirs of a convicted  
34 offender shall not be denied the right to inherit  
35 his property, and that the convicted offender's  
36 property cannot be forfeited to the State either  
37 by legislative act or by judicial process. These  
38 guarantees cover convictions for any crime what-  
39 soever.

- 40  
41 (1) Holdsworth, A History of English Law, Vol.III  
42 (1942), pp. 69-70.  
43 (2) Code (1957), Art. 27, Sec.635 (1967 Replacement  
44 Vol.).  
45  
46  
47  
48  
49  
50

1                   Section 9. Limitations on State Action.  
2  
3  
4

5                   (A) The right to the writ of habeas  
6                   corpus, and the provisions of this  
7                   constitution, shall not be suspended.  
8  
9

10  
11                   This recommendation consolidates in a  
12                   single provision the substance of Article III,  
13                   Section 55 (which prohibits the Legislature from  
14                   enacting any laws suspending the privilege of  
15                   habeas corpus) and Article 44 of the  
16                   Declaration of Rights (which provides that the  
17                   provisions of the Constitution apply in time of  
18                   war as well as in time of peace) of the present  
19                   Constitution. The Committee believes these  
20                   prohibitions apply equally to the executive,  
21                   legislative and judicial branches of government,  
22                   and to any of their subdivisions.  
23

24                   The prohibition against the suspension of  
25                   the writ of habeas corpus was first provided in  
26                   the Constitution of 1867. The Federal  
27                   Constitution provides in Article I, Section 9,  
28                   that "the Privilege of the Writ of Habeas Corpus  
29                   shall not be suspended, unless when in Cases of  
30                   Rebellion or Invasion the public safety may  
31                   require it." Several cases have arisen under this  
32                   section in the attempt to determine under what  
33                   circumstances the suspension of the writ would be  
34                   warranted.(1) This recommendation should eliminate  
35                   the problems caused by the federal language.  
36

37                   Habeas Corpus embraces a variety of writs  
38                   designed to bring a detained person before a  
39                   judge or court, not to determine his guilt or  
40                   innocence, but for review of whether he is being  
41                   deprived of his liberty without due process of law,  
42                   that is, whether the restraint is lawful. In  
43                   Maryland, the writ is provided by statute.(2)  
44                   Although a writ of right, habeas corpus does not  
45                   issue as a matter of course but only when a  
46                   petition is presented which shows on its face that  
47                   the petitioner is entitled to discharge.(3)  
48

49                   (1) Ex parte Merryman, 17 Fed.Cas. 144 (No. 9487)  
50                   (C.C.D.Md. 1861), See also Ex parte Millican,

1 4 Wall, 2 (1866); Ex Parte Quirin, 317  
2 U.S. 1 (1942); Duncan v. Kahanamoku, 327  
3 U.S. 304 (1946).  
4 (2) Md. Code Art. 42. (1965 Replacement Volume).  
5 (3) Nance v. Warden of House of Correction,  
6 189 Md. 112, 53A.2d 554 (1947). See also  
7 Md. Rule 243.

8  
9  
10  
11 (B) Private property shall not be  
12 taken or damaged for public use or  
13 purpose without just compensation.  
14

15  
16  
17 Eminent domain is the right of the State  
18 to take private property for public use. The  
19 present Maryland Constitution provides:  
20

21 "The General Assembly shall enact no law  
22 authorizing private property to be taken  
23 for public use, without just compensation,  
24 as agreed upon between the parties, or  
25 awarded by a jury, being first paid, or  
26 tendered, to the party entitled to such  
27 compensation."  
28

29 This provision was carried over from the  
30 Constitutions of 1864 (Article III, Section 39)  
31 and 1851 (Article III, Section 46). The  
32 Constitution of 1776 contained no such provi-  
33 sion.  
34

#### 35 Compensable Damage

36  
37 After extensive public hearings, dis-  
38 cussion and research, the Committee concluded  
39 that at present the scope of compensable injury  
40 is too narrow in eminent domain proceedings.  
41 Injury is compensable at the present time only  
42 if there has been a taking.(1) The Committee  
43 recommends recovery be broadened to permit  
44 private persons whose property has been damaged  
45 to be compensated, where formerly compensation  
46 was conditioned upon a taking.  
47

48 The addition of "or damaged" is intended  
49 to be remedial. Compensation is not to be  
50 limited to direct physical injury, but also to



1 the recovery of consequential damages by persons  
2 who suffer injuries to their property, although  
3 such property is not legally taken or physically  
4 intruded upon by the taking authority. The  
5 measure and nature of compensable damages are  
6 matters properly left to the legislature and the  
7 courts.

#### 8 9 Public Purpose

10  
11 The present Constitution of Maryland  
12 provides in detail how the General Assembly may  
13 authorize by local law any county or municipal  
14 corporation to carry out urban renewal projects,  
15 including the acquisition of land and property  
16 by condemnation and other legal means and the  
17 subsequent disposal of that land and property.  
18 Just compensation is required. Property taken  
19 for urban renewal projects is declared "needed"  
20 and taken for "public uses and purposes." (2)

21  
22 The present Constitution also provides  
23 in detail how the General Assembly, by law, may  
24 authorize the Mayor and City Council of  
25 Baltimore to acquire land and property for  
26 development and redevelopment, off-street  
27 parking and port development purposes by eminent  
28 domain, and to subsequently dispose of same.  
29 Just compensation is required and the property  
30 condemned is declared "needed" and taken for a  
31 "public use." (3)

32  
33 The Committee has added "public purpose"  
34 to justify and authorize the exercise of eminent  
35 domain for programs of development, redevelopment,  
36 renewal and other programs which serve a public  
37 purpose. It is the Committee's intent to  
38 eliminate the necessity of constitutional  
39 authorization, and amendment, for such programs.  
40 The legal development of "public use or purposes"  
41 properly belongs to the legislature and the  
42 courts.

#### 43 44 "Quick Takes"

45  
46 Condemnation may not be concluded in  
47 accordance with the present Constitution until  
48 just compensation has been paid or tendered to  
49 the party entitled to it. If the parties are  
50 unable to agree on the amount, a jury must first



1 award a sum. Exemptions to this restriction  
2 have been constitutionally authorized under  
3 certain conditions with respect to property in  
4 Baltimore City, Baltimore County, Montgomery  
5 County, and Cecil County, (4) for property  
6 needed for highway purposes by the State Roads  
7 Commission (5) and for property located in Prince  
8 George's County needed by the Washington  
9 Suburban Sanitary Commission. (6)

10  
11 By recommending an eminent domain  
12 provision that does not prohibit "quick takes,"  
13 the Committee intends to eliminate the need  
14 to amend the Constitution to provide a  
15 speedier condemnation procedure. The General  
16 Assembly will then be able to prescribe  
17 procedures for eminent domain that will apply to  
18 all persons and areas on an equal basis.  
19

- 20 (1) Friendship Cemetery v. Baltimore, 197 Md.  
21 610, 81 A.2d 57 (1951).  
22 (2) Article III, Section 61 (a) (1) (2).  
23 (3) Article XI-B, Sec. 1 (a) (b); Article  
24 XI-C, Sec. 1 (a) (b); Article XI-D,  
25 Sec. 1 (a) (b). See Master Royalties  
26 Corp. v. City of Baltimore, 235 Md. 74,  
27 200 A.2d 652 (1964); Herzinger v. Mayor  
28 and City Council of Baltimore, 203 Md. 49,  
29 96 A.2d 3 (1953).  
30 (4) Article III, Sec. 40A.  
31 (5) Article III, Sec. 40B.  
32 (6) Article III, Sec. 40C.  
33  
34  
35

- 36 (C) No bill of attainder, or  
37 ex post facto law, or law  
38 impairing the obligation of  
39 contracts shall be enacted.  
40  
41  
42

43 This recommendation incorporates protec-  
44 tions found in Articles 17 and 18 of the present  
45 Declaration of Rights, and in all previous  
46 Maryland Constitutions, respecting bills of  
47 attainder and ex post facto laws. A prohibition  
48 against laws impairing the obligation of contracts  
49 have been included. All three are covered by  
50 Article 1, Section 10 of the United States

1 Constitution which provides: "No State shall...  
2 pass any Bill of Attainder, ex post facto Law,  
3 or Law impairing the Obligation of Contracts..."  
4

5 The recommendation is identical to  
6 Section 1.07 of the Constitutional Convention  
7 Commission draft.  
8

9 Bills of Attainder  
10

11 A bill of attainder refers to a  
12 legislative act directed against a designated  
13 person pronouncing him guilty of an alleged  
14 crime without trial or conviction according to  
15 the recognized rules of procedure.  
16

17 Bills of attainder have been passed to  
18 exclude from certain occupations persons who  
19 aided the Confederacy, or to forfeit the estates  
20 of persons who remained loyal to the Crown during  
21 the Revolution.  
22

23 In more recent times, the prohibition  
24 against the payment of compensation to certain  
25 employees charged with subversive activities, (1)  
26 and the imposition of a retroactive loyalty oath  
27 upon teachers and state employees (2) have been  
28 declared invalid as bills of attainder.  
29

30 Ex Post Facto Laws  
31

32 An ex post facto law is legislation, passed  
33 after the occurrence of a fact or commission of  
34 an act, that retrospectively declares criminal  
35 acts that were not criminal when committed and  
36 punishes such action; or increases the punishment  
37 or penalty for a crime beyond that in effect at  
38 the time the offense was committed; or deprives  
39 persons accused of crime of some lawful protec-  
40 tion to which they were entitled. Maryland  
41 courts have refused to sanction such laws. (3)  
42

43 Impairment of the Obligation of Contracts  
44

45 This prohibition affects legislation that  
46 would retrospectively limit, restrict or abrogate  
47 contractual rights and liabilities. It is  
48 useful as a remedy for unlawful exercise of state  
49 police power and to protect the rights of  
50 creditors.

- 1 (1) United States v. Lovett, 328 U.S.303 (1946).  
2 (2) Wieman v. Updegraff 344 U.S.183 (1952).  
3 (3) Bauger v. Nelson, 9 Gill 299 (1850); Lynn  
4 v. State, 84 Md. 67, 35 Atl. 21 (1896).  
5  
6  
7

8 Section 10. Reserved Rights.  
9

10  
11  
12 The enumeration of rights in this  
13 Constitution shall not be construed  
14 to impair, disparage, or deny others  
15 retained by the people.  
16  
17

18  
19 The language of this recommendation  
20 follows closely that of Article 45 of the present  
21 Declaration of Rights and the Ninth Amendment to  
22 the Constitution of the United States. Its  
23 purpose is to ensure that certain fundamental  
24 rights specifically enumerated in the Declaration  
25 of Rights not be construed to limit or to impair  
26 in any way other rights and privileges held by  
27 the people.  
28

29 The Committee feels that the Constitution  
30 must provide protection for all basic rights that  
31 inhere in the individual; it must allow for an  
32 expanding interpretation of these rights during  
33 the future life of this constitution; and it  
34 must state as forcefully as possible that the fact  
35 that certain rights have been enumerated in the  
36 Declaration of Rights should not be construed to  
37 exclude those rights which have not.(1)  
38

- 39 (1) Attached as Appendix C is an unpublished  
40 article on the reserved rights clause of  
41 the Ninth Amendment prepared by Delegate  
42 John W. Hardwicke for this Convention.  
43  
44  
45  
46  
47  
48  
49  
50

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# Constitutional Convention

## MINORITY REPORT NO. R&P-1 (A)

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BY DELEGATES CHILD, BEACHLEY, BURGESS,  
DABROWSKI, GROH, HARDWICKE, HOSTETTER,  
PRICE, WEIDEMEYER

OF THE COMMITTEE ON PERSONAL RIGHTS AND PREAMBLE

---

November 20 , 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

---

This Minority Report relates to Committee Recommendation No. R&P-1

---

### TITLE

1 A MINORITY REPORT to delete, strike from, and  
2 obliterate Sub-Paragraph B of Section 5 of the  
3 majority report as set forth on Page 3, lines  
4 14 to 19 inclusive, of Committee Recommendation  
5 R&P-1.  
6  
7  
8

9 COMMENTS:

10  
11 (1) This section is repetitive and is  
12 entirely unnecessary in view of the words  
13 "Excessive bail shall not be required," as set  
14 forth on Page 4, Line 3, of the report.  
15

16 The words "that excessive bail ought  
17 not to be required," are contained in the  
18 Constitutions of 1851, 1864 and 1867. The  
19 Committee has wisely changed the words to  
20 "Excessive bail shall not be required." This  
21 is a valuable personal right and should remain  
22 in the constitution but it is submitted that  
23 Paragraph B of Section 5 should be deleted.  
24

25 (2) Under the present constitutional  
26 language the Legislature, in 1965, enacted the  
27 so-called Bail Reform Bill which is set forth

1 on Page 17 of Committee Memorandum R&P-1.  
2 This statute provides "When from all the  
3 circumstances the court is of the opinion  
4 that any accused person in a criminal case  
5 will appear as required for trial either  
6 before or after his conviction, the person  
7 may be released on his own recognizance."  
8

9 Even before the enactment of this  
10 statute the Court of Appeals with the  
11 concurrence of the Legislature adopted Rule  
12 777 which provides in part as follows:  
13 "...prior to conviction the accused who is  
14 charged with an offense, the maximum punish-  
15 ment for which is other than capital, shall  
16 be entitled to be admitted to bail. In a  
17 capital case the accused may be admitted to  
18 bail in the discretion of the Court."  
19

20 It is submitted that under the  
21 present constitutional language which is  
22 repeated on line 3 of page 4 of the  
23 recommendation the accused is protected  
24 against excessive bail and under the statute  
25 and rule above cited is entitled in the  
26 proper case to extreme leniency.  
27

28 (3) The language of Sub-Paragraph B, of  
29 Section 5, is statutory and restricted.  
30

31 It is, therefore, submitted that Sub-  
32 Paragraph B should be stricken from the  
33 Committee Recommendation for the following  
34 reasons:  
35

- 36 1. It is unnecessary.
- 37
- 38 2. It is repetitive and superfluous.
- 39
- 40 3. The language is statutory.
- 41
- 42 4. It is restrictive.
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50

# Constitutional Convention

## MINORITY REPORT NO. R&P-1 (B)

---

BY DELEGATES BENNETT, BOTHE, DABROWSKI,  
HARDWICKE, KOSAKOWSKI, MITCHELL AND TAYLOR  
AND WILLONER.

---

OF THE COMMITTEE ON PERSONAL RIGHTS & PREFAMBLE

---

November 30, 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

---

This Minority Report relates to Committee Recommendation No. R&P-1

---

### TITLE

1 A MINORITY REPORT the Committee had before it  
2 several proposals (34, 121, 171, 172, 406, 421,  
3 424) dealing with the rights of working  
4 people. The majority decided that the subject  
5 should not be mentioned in the Constitution.  
6

7 We disagree. With the proliferation of  
8 industry and commerce in Maryland, important,  
9 meaningful and essential changes in the social  
10 structure have taken place, and new needs and  
11 concepts have come into being since our 1867  
12 Constitution was composed. We believe that  
13 working people in today's complex society  
14 possess rights which demand expression and  
15 protection in our 1967 Constitution.  
16

17 As one eminent authority on State Constitu-  
18 tional revision said (specifically suggesting  
19 that workers are entitled to the right of  
20 organization):  
21

22 "...in our highly urbanized and  
23 industrialized society, conditions  
24 are vastly different. New condi-  
25 tions demand the recognition of new  
26 rights." (1)  
27

1 In a highly industrialized society, wherein the  
2 fulfillment of individual aspirations is almost  
3 totally dependent upon the individual's effective  
4 ability to engage in joint action, the protection  
5 and promotion of collective rights may be con-  
6 sidered to be co-extensive and co-equal with  
7 those of free speech and assembly; for free  
8 speech is meaningless when the speaker will be  
9 subjected to threats of economic reprisal for  
10 daring to enter the market place of ideas. The  
11 right of assembly is an empty gesture when its  
12 exercise will be penalized by discrimination and  
13 discharge from employment for meeting to  
14 effectuate organization.

15  
16 The concept of a right of employees to organize  
17 and bargain collectively has evolved painfully  
18 from a contradictory notion, (which prevailed  
19 until the 20th Century) that employee organiza-  
20 tions were an illegal restraint upon free enter-  
21 prise and an interference with laissez-faire  
22 economics. Happily, this socially irresponsible  
23 view has been abandoned. Less than 50 years ago,  
24 labor organizations were prosecuted as criminal  
25 conspiracies or decimated by anti-trust injunc-  
26 tions. But, since the period of World War I and  
27 to an accelerated extent during the past 30 years,  
28 many States and the Federal government have fully  
29 recognized workers' rights and have affirmatively  
30 protected employees in their efforts toward self  
31 organization and collective bargaining. The  
32 rationale was clearly enunciated by Chief Justice  
33 Charles Evans Hughes in the Supreme Court opinion  
34 upholding the constitutionality of the National  
35 Labor Relations Act:

36  
37 "Long ago we stated the reasons for labor  
38 organization. We said they were organized  
39 out of the necessities of the situation;  
40 a single employee was helpless in dealing  
41 with an employer; that he was dependent  
42 ordinarily on his daily wage for the main-  
43 tenance of himself and his family; that if  
44 the employer refused to pay him the wages  
45 that he thought fair, he was nevertheless  
46 unable to leave the employer and resist  
47 arbitrary and unfair treatment; that union  
48 was essential to laborer's opportunity to  
49 deal on equality with their employers." (2)  
50



1 The National Labor Relations Act was originally  
2 passed by Congress in 1935 pursuant to federal  
3 powers under the Commerce clause of the United  
4 States Constitution. It sets up effective and  
5 impartial machinery to enforce the rights and  
6 duties of employers and employees. It guarantees  
7 employees the right of organization. It requires  
8 the employer to bargain in good faith with the  
9 duly designated representatives of his employees.  
10 It protects employees from discharge or discrimi-  
11 nation for concerted activities.

12  
13 But the Federal Act does not extend to those  
14 who today are in most need of such protection.  
15 These are the employees of retail stores,  
16 laundries, parking lots and other intra-state  
17 businesses and industries, workers in the service  
18 fields such as waiters and waitresses, agri-  
19 cultural workers (many of them migrants),  
20 employees of non-profit organizations, such as  
21 hospitals, and others who are in intra-state  
22 commerce or otherwise are exempted under the Act.  
23 It is not coincidental that this sector of the  
24 work force demonstrably constitutes the working  
25 poor of the State, who exist on sub-standard  
26 wages at the fringes of poverty.

27  
28 The United States Department of Labor reports  
29 that in Maryland there are approximately 100,000  
30 agricultural workers, 250,000 retail and  
31 commercial employees and another 170,000 workers  
32 in service industries, who are not covered by the  
33 National Labor Relations Act and are earning less  
34 than the Federal minimum wage.

35  
36 Another most significant segment of Maryland  
37 employees who would be vitally affected by Consti-  
38 tutional recognition of their right to organize  
39 and bargain collectively are the 135,000 employees  
40 of the State and its political subdivisions.  
41 These people, by virtue of their employment with  
42 the government this Constitution controls, are  
43 currently denied the protections enjoyed by their  
44 counterparts in private industry.

45  
46 The theory that "The king can do no wrong"  
47 under which this inequity exists, is the same  
48 which the majority has rejected in urging this  
49 Convention to abolish the defense of sovereign  
50 immunity, a principal under which the State may

1 now escape responsibility for its wrongful  
2 acts. (See R&P-2)

3  
4 The provisions this report advocates are  
5 intended also to cover public employees. How-  
6 ever, the implementation of the rights involved  
7 may be quite different in the case of employees  
8 in the public sector. Neither the right to  
9 organize, or the right to bargain collectively,  
10 automatically encompasses any corollary right  
11 to withhold labor in furtherance of these  
12 objectives. As to such crucial governmental  
13 functions as those performed by policemen and  
14 firefighters, the rights which would be here  
15 constitutionally guaranteed will not preclude the  
16 State from taking equitable and necessary action  
17 to protect the public health, safety or welfare.

18  
19 Nor does the right to bargain collectively  
20 require that employee demands--public or  
21 private--must be met. Collective bargaining is  
22 essentially a matter of keeping the channels of  
23 communication open between employer and employee.  
24 The only obligation is to meet, to discuss the  
25 issues, and to exercise good faith in bargaining.  
26 The recognition of this right would, in fact,  
27 operate to minimize the possibility of services  
28 being disrupted because of labor disputes.

29  
30 The recent teachers strike in Baltimore City is  
31 an apt illustration. The teachers' principal  
32 purpose in striking was to gain recognition of  
33 the right previously denied them to organize and  
34 bargain collectively through the representative  
35 of their choosing. The strike was readily  
36 settled, on the simple basis that the City would  
37 conduct an election and then would sit down at  
38 the bargaining table with the representatives of  
39 the chosen organization. Had the Constitutional  
40 provision we propose then been effective, the  
41 possibility of such a teachers' strike would have  
42 been as academic as its participants.

43  
44 Many other states give Constitutional and/or  
45 statutory protection to the right of employees  
46 to organize and bargain collectively.

47  
48 The comparatively modern Constitutional pro-  
49 visions of Hawaii (1950), New Jersey (1947), New  
50 York (1938), and Missouri (1945) give express

1 recognition of the right to organize and bargain  
2 collectively. Older Constitutions strike out at  
3 particular impediments to labor organization--  
4 i.e. a prohibition upon blacklisting of union  
5 members in the Constitutions of Arizona, Kansas,  
6 Mississippi, North Dakota and Utah.

7  
8 Ten states have "Little Wagner Acts"; that is,  
9 statutory agencies which afford employees within  
10 the purview of state jurisdiction protections  
11 similar to those accorded under the National  
12 Labor Relations Act. Such states include Calif-  
13 ornia, Connecticut, Massachusetts, New York,  
14 Pennsylvania, Puerto Rico, Rhode Island, Utah  
15 and Wisconsin. Kansas, Michigan and Minnesota  
16 give statutory rights to organize and bargain  
17 collectively but have not set up enforcement  
18 machinery, leaving this function to the courts.  
19 Maryland has nothing--and the Convention should  
20 act to fill this regrettable void.

21  
22 This recommendation does not urge, seek or  
23 require a point of agreement between employer and  
24 employee concerning any issue. It guarantees no  
25 less and no more than the right of all employees  
26 to organize and to bargain collectively through  
27 their chosen representatives. We believe this  
28 to be a Constitutional imperative.

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40 (1) W. Brooke Graves - American Intergovern-  
41 mental Relations, P. 333

42  
43 (2) National Labor Relations Board v. Jones and  
44 Laughlin Steel Corporation 57 Sup. Ct. 615  
45 (1938)  
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# Constitutional Convention

## MINORITY REPORT NO. R&P-1 (C)

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BY DELEGATES BEACHLEY, BOTHE, BURGESS, CHILD,  
DABROWSKI, GROH, HARDWICKE, KOSAKOWSKI, MITCHELL,  
MURRAY, PRICE, TAYLOR, WEIDEMEYER AND WILLONER

OF THE COMMITTEE ON PERSONAL RIGHTS & PREAMBLE

---

November 30, 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

---

This Minority Report relates to Committee Recommendation No. R&P-1

---

### TITLE

1 A MINORITY REPORT that the Declaration of  
2 Rights contain an article entitled "Freedom of  
3 Information" that shall read as follows:

4  
5 All governmental proceedings, meetings and  
6 records shall be open to the people and prior  
7 notice of such proceedings or meetings shall  
8 be provided, except as otherwise prescribed  
9 by public general law.

10

11

12 COMMENTS:

13

14 At the present time, there is no comprehensive  
15 law in Maryland that would prevent officials  
16 from shrouding in secrecy deliberations,  
17 decisions and records that properly should be  
18 fully available to all the people. It is the  
19 judgment of the signers of this Report that  
20 the Constitution should enunciate this right  
21 to freedom of information; while also acknow-  
22 ledging the responsibility of the General  
23 Assembly to restrict it so as to avoid injury  
24 to legitimate private as well as public  
25 interests.

26

27 This provision requires disclosure to be the

1 general rule, not the exception; it provides  
2 that all persons have equal rights of access; it  
3 places the burden on the government--state and  
4 local--to justify excluding the public from  
5 meetings and proceedings or withholding docu-  
6 ments, not on the person requesting access; and  
7 it mandates a significant change in governmental  
8 policy. The right of the people to information  
9 about their government is expressly stated.

10  
11 The right to information extends to the  
12 legislative, executive and judicial branches of  
13 government. It affects administrative agencies,  
14 public authorities and governmental instru-  
15 mentalities as well. The right to notice of  
16 proceedings and meetings will require the  
17 appropriate official or body to announce to the  
18 public, in a reasonable manner and at a time  
19 reasonably in advance, that the proceeding or  
20 meeting will be held at some specified time and  
21 place. The General Assembly will be able to  
22 prescribe a detailed implementation of these  
23 constitutional commands, as well as appropriate  
24 exceptions.

25  
26 Maryland has already provided by statute that  
27 certain meetings and records shall be open to  
28 the public, for example, records of clerks of  
29 court; meetings of State executive and adminis-  
30 trative departments, municipal corporations,  
31 county commissioners and county councils (ex-  
32 cept for certain executive sessions); and  
33 meetings and records of the Metropolitan Transit  
34 Authority and Public Service Commission.

35  
36 There are generally recognized exceptions to  
37 the reach of a freedom of information, or  
38 "right to know," provision and it is expected  
39 that the General Assembly will provide these  
40 limitations. Examples are the proceedings and  
41 records of juries and parole and pardon boards,  
42 sessions in which the reputation of a public  
43 employee may be affected and internal memoranda  
44 and files. To illustrate, certain records of  
45 the Maryland Department of Public Welfare are  
46 now statutorily excluded from the general public.

47  
48 This provision is based upon the theory that  
49 public business is public property. The scrutiny  
50 of the people will make government more responsive

1 and responsible and will discourage official  
2 misbehavior.  
3

4 The signers of this Report recommend that the  
5 schedule of transitory legislation provide that  
6 this provision not become effective until July  
7 4, 1970 so as to provide the General Assembly  
8 ample opportunity to enact appropriate  
9 legislation.  
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5 Example of a Freedom of Information  
6 Exemption Statute. (1)  
7

8 1. Coverage.--This act shall apply to any  
9 legislative or administrative body of the state  
10 or any subdivision thereof, including any board,  
11 commission, authority, council, agency, commit-  
12 tee, or other organization supported in whole or  
13 in part by public funds or authorized to spend  
14 public funds, and also including subcommittees  
15 or other subordinate groups of the above bodies.  
16 Except as otherwise provided by law or specified  
17 in this act, all meetings of bodies subject to  
18 this act at which there is a collective decision  
19 by a majority of the members of the body, a  
20 collective commitment or promise by a majority  
21 of the members of the body to make a decision,  
22 or an actual vote by a majority of the members  
23 of the body upon a motion, proposed resolution,  
24 order, or ordinance, shall be open to the  
25 public. All records of such meetings shall be  
26 open for inspection and copying during usual  
27 business hours, except as otherwise provided by  
28 law or specified in this act.  
29

30 2. Exemptions.--The following are exempted  
31 from the provisions of this act:

- 32 (a) Grand and petit juries.
- 33 (b) Parole and pardon boards.
- 34 (c) Meetings and records of quasi-judicial  
35 bodies, including but not limited to state  
36 licensing boards, held for the sole purpose of  
37 making a decision in an adjudicatory proceeding.  
38

39 3. Executive Sessions.--A body may exclude  
40 the public and hold its records inaccessible  
41 when it is considering or acting upon any of the  
42 following matters:

- 43 (a) The dismissal, promotion, demotion,  
44 or compensation of any public employee, or the  
45 disciplining of such employee or investigating  
46 of charges against him, unless the employee  
47 affected shall have requested an open meeting.

- 48 (b) The hiring of any person as a public  
49 employee.  
50

1 (c) Matters which, if discussed in public,  
2 would be likely to affect adversely the reputa-  
3 tion of any person, other than a member of the  
4 body itself.

5 (d) Matters which, if discussed in public,  
6 would be likely to benefit a party whose  
7 interests are adverse to those of the general  
8 community. This provision shall include but not  
9 be limited to consideration of the acquisition  
10 of land.

11 (e) Welfare matters where federal grant-in-  
12 aid requirements prohibit publicity.

13  
14 Provided that:

15 (1) When a meeting is held at which matters  
16 covered by subsections (a), (b), (c), (d), or (e)  
17 are considered or acted upon, and at which  
18 matters not covered by those subsections are also  
19 considered or acted upon this section shall not  
20 authorize exclusion of the public from or non-  
21 access of records of any portion of the meeting  
22 devoted to matters not so covered.

23 (2) The results of any final action taken  
24 in executive session held pursuant to subsections  
25 (a), (b), (c), or (d) shall be made public.

26  
27 4. Public Notice.--All meetings required to be  
28 open under this act shall be held at specified  
29 times and places of which public notice shall be  
30 given as follows:

31 (a) Every body subject to this act shall  
32 give public notice of the schedule of regular  
33 meetings at the beginning of each calendar or  
34 fiscal year and shall state the regular dates,  
35 times, and places of such meetings. Public  
36 notice of any special meeting, or of any re-  
37 scheduled **regular** meeting, shall be given at  
38 least twenty-four hours before such meeting.

39 (b) Public notice shall be given by post-  
40 ing a copy of the notice at the principal office  
41 of the body holding the meeting or, if no such  
42 office exists, at the building in which the meet-  
43 ing is to be held. The body shall supply copies  
44 of the notice of its regular meetings, and of  
45 the notice of any special or rescheduled meeting,  
46 to any local newspaper of general circulation or  
47 local radio or television station that has filed  
48 an annual request for such notice.

49 (c) When an emergency exists requiring  
50

1 immediate action, the foregoing notice require-  
2 ments shall not apply, and an emergency meeting  
3 may be held provided that at least two hours'  
4 advance notice of the time and place of such  
5 meeting shall have been given to every local  
6 newspaper of general circulation, and to every  
7 local radio and television station.  
8

9 5. Enforcement.--(a) Any member of a body who  
10 participates in any meeting which violates this  
11 act, knowing the meeting to constitute such a  
12 violation or withholds records knowing such with-  
13 holding of records constitutes a violation shall  
14 be guilty of a misdemeanor punishable by a fine  
15 of not more than \$ \_\_\_\_.

16 (b) Any \_\_\_\_\_ registered voters of the  
17 political subdivision over which the body has  
18 jurisdiction may petition the \_\_\_\_\_ court for  
19 an injunction to prevent violation of this act.  
20 Such petition shall be given priority on the  
21 calendar of the court.

22 (c) Action otherwise duly taken shall not  
23 be invalidated because of a violation of any  
24 provision of this act.  
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44 (1) Adapted from Note, Open Meeting Legislation,  
45 75 Harv. L. Rev. 1199, 1220 (1962).  
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# Constitutional Convention

## MINORITY REPORT NO. R&P-1 (D)

---

BY DELEGATES BENNETT, BOTHE, BURGESS, HARDWICKE,  
MITCHELL, L. TAYLOR, AND WILLONER  
OF THE COMMITTEE ON PERSONAL RIGHTS & PREAMBLE

---

December 4 , 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

---

This Minority Report relates to Committee Recommendation No. R&P-1

---

### TITLE

1 A MINORITY REPORT to provide that Section 3  
2 of the Declaration of Rights include an express  
3 prohibition against discrimination based on  
4 race, color, religion or national origin, so  
5 that the Section shall read as follows:

6  
7 Section 3. Right to Due Process and  
8 Equal Protection.  
9

10 No person shall be deprived of life,  
11 liberty or property without due process of  
12 law, or be denied the equal protection of  
13 the laws, or be subject to discrimination  
14 by law or other governmental action  
15 because of race, color, religion or  
16 national origin.  
17  
18

### COMMENTS:

19  
20  
21 It is the conviction of those persons signing  
22 this Report that Maryland should provide in the  
23 Declaration of Rights of the Constitution an  
24 express prohibition against discrimination based  
25 on race, color, religion or national origin.  
26 The language above is identical to the recom-  
27 mendation of the Constitutional Convention

1 Commission draft.

2  
3 In spite of the adoption of the Fourteenth  
4 Amendment to the U.S. Constitution in 1868,  
5 prohibiting any State from denying to any person  
6 within its jurisdiction the equal protection of  
7 the laws, racial segregation and discrimination  
8 were enforced by all seventeen Southern and  
9 Border states, including Maryland, with respect  
10 to education, employment, housing, access to  
11 public facilities and accommodations and other  
12 civil rights. Only in recent years has the  
13 government, Federal and State, interpreted the  
14 "equal protection" clause to require a break-  
15 down of the barriers erected by racial prejudice.  
16 The unrest and protests in Maryland, and the  
17 widespread civil disorders elsewhere in the  
18 nation, reflect the discontent and danger result-  
19 ing from the continuing denials of equality  
20 before the law.

21  
22 We have a profound and unwavering faith in the  
23 use of constitutional methods to correct  
24 injustices and to right ancient wrongs, but  
25 strident voices are being raised against reliance  
26 upon the law.

27  
28 It is, therefore, imperative that the new  
29 constitution specifically commit this State to  
30 the abolition of discrimination based on race,  
31 color, religion or national origin by its  
32 legislative, judicial and executive branches of  
33 government. In a world torn by war and racial  
34 conflicts, the people of Maryland have a solemn  
35 and magnificent opportunity to reaffirm and  
36 strengthen our nation's belief in the equality  
37 of man.

38  
39 Since the end of World War II, five states have  
40 revised their constitutions and each has specified  
41 prohibitions against state-imposed or state-  
42 assisted discriminations.

43  
44 1947 - New Jersey:

45  
46 No person shall be denied the enjoyment  
47 of any civil or military right, nor be  
48 discriminated against in the exercise of any  
49 civil or military right, nor be segregated  
50 in the militia or in the public schools,

1 because of religious principles, race, color,  
2 ancestry or national origin. (I 5.)

3  
4 1959 - Hawaii:

5  
6 No person shall be deprived of life,  
7 liberty or property without due process of  
8 law, nor be denied the equal protection of  
9 the laws, nor be denied the enjoyment of his  
10 civil rights or be discriminated against in  
11 the exercise thereof because of race,  
12 religion, sex or ancestry. (I 4.)

13  
14 1959 - Alaska:

15  
16 No person is to be denied the enjoyment  
17 of any civil or political right because of  
18 race, color, creed, or national origin. The  
19 legislature shall implement this section.  
20 (I 3.)

21  
22 1964 - Michigan:

23  
24 No person shall be denied the equal  
25 protection of the laws; nor shall any person  
26 be denied the enjoyment of his civil or  
27 political rights or be discriminated against  
28 in the exercise thereof because of religion,  
29 race, color or national origin. The legis-  
30 lature shall implement this section by  
31 appropriate legislation. (I 2.)

32  
33 1965 - Connecticut:

34  
35 No person shall be denied the equal  
36 protection of the law nor be subjected to  
37 segregation or discrimination in the exercise  
38 or enjoyment of his civil or political rights  
39 because of religion, race, color, ancestry  
40 or national origin. (I 20.)

41  
42 The people of a state establish basic policy in  
43 a constitution for the laws of that state. In the  
44 United States of America, no policy is more funda-  
45 mental than the assurance that there will be  
46 protection against discrimination---caused,  
47 supported or permitted by the state, its political  
48 subdivisions, its agents, servants, licensees, or  
49 any other persons operating under its aegis or  
50 authority---based on race, color, religion or  
51 national origin.





# Constitutional Convention

## MINORITY REPORT NO. R&P-1 (E)

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BY DELEGATES BURGESS, DABROWSKI, HOSTETTER,  
C. MURRAY AND WEIDEMEYER

OF THE COMMITTEE ON PERSONAL RIGHTS & PREAMBLE

---

December 5 , 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

---

This Minority Report relates to Committee Recommendation No. R&P-1

---

### TITLE

1 A MINORITY REPORT to limit the exercise of  
2 the power of eminent domain by private persons,  
3 firms or corporations, so that Section 9 (B) of  
4 the Declaration of Rights include the following:

5  
6 No general or indefinitely continuing  
7 authority shall hereafter be granted which  
8 authorizes the taking or damaging of private  
9 property by private persons, firms or  
10 corporations for any public use or purpose.  
11 Any such specific authority hereafter  
12 granted shall be limited to a specific  
13 purpose or purposes and shall be exercisable  
14 during such period of time as may be  
15 reasonably necessary to acquire the property  
16 by condemnation but such period shall in no  
17 event extend for longer than three years.  
18 In granting any such specific authority the  
19 advance taking of property shall not be  
20 preferred, but may be granted and exercised  
21 only upon a showing of immediate and urgent  
22 necessity.

23  
24 The General Assembly has delegated to various  
25 corporations, utilities and firms the power to  
26 exercise eminent domain to achieve a public use  
27 or purpose. Examples are electric, gas and

1 water companies, telephone and telegraph companies  
2 and railroads. These delegations are grants of  
3 general authority applicable to all chartered  
4 companies performing the requisite functions.  
5

6 The ability to take the private property of  
7 another should be severely circumscribed, even  
8 when the taking is for a public use or purpose.  
9 The intent of this Report is to prevent the power  
10 of eminent domain from being delegated in the  
11 future for an indefinite or extended time. This  
12 provision would limit the delegation to the time  
13 reasonably necessary to acquire the property, or,  
14 in any event, to a maximum of three years and  
15 would require specification of the purpose of  
16 the acquisition.  
17

18 The immediate acquisition of private property  
19 prior to a mutually agreeable settlement should  
20 be limited. When eminent domain is not being  
21 exercised by the State, a political subdivision  
22 or agency, there should be no quick-takes unless  
23 the need is urgent and immediate.  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Com. Rec. P. 1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
● James	●		● Dabrowski			● Koger			● Rosenstock		
● Abramson			● Darby			● Kosakowski			● Rush	●	
● Adkins			● Della	●		● Koss			● Rybczynski		
● Anderson			● Dorsey			● Leitzel			● Scanlan		
● Armor			● Dukes			● Linton			● Schloeder	●	
● Bamberger			● Dulany			● Lord	●		● Schneider		
● Bard			● Eckenrode			● Macdonald			● Sherbow		
● Barrick			● Finch			● Malkus	●		● Sickles		
● Baumann			● Fornos	●		● Marion			● Siewierski		
● Beachley			● Fox			● Mason			● Singer		
● Beall			● Frederick			● Maurer			● Smith, J. H.		
● Bennett			● Freedlander			● Mentzer			● Smith, M. H.		
● Blair	●		● Gallagher	●		● Miller, B.			● Sollins		
● Boileau			● Gilchrist	●		● Miller, E. O.			● Sosnowski		
● Borom			● Gill			● Mitchell			● Soul		
● Bothe			● Gleason			● Morgan			● Stern		
● Boyce			● Grant			● Moser			● Storm		
● Boyer			● Groh			● Mosner			● Sybert	●	
● Boyles			● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy			● Taylor, L.		
● Bryson			● Hanson	●		● Murray, D. S.			● Ulrich		
● Burdette			● Hardwicke			● Murray, E. C.			● Vecera		
● Burgess			● Hargrove			● Needle			● Wagandt		
● Bushong	●		● Harkness			● Neilson			● Webb	●	
● Buzzell			● Harris			● Neumann			● Ritter		
● Byrnes			● Henderson			● Smith, A. W.			● Weidemeyer		
● Caldwell			● Hickman			● Pascal	●		● Wheatley		
● Cardin			● Hopkins			● Penniman			● White	●	
● Carson			● Hostetter			● Peters	●		● Willis		
● Case			● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett			● Price	●		● Winslow		
● Child			● Johnson			● Pullen					
● Cicone			● Kahl			● Raley					

YEAS	N-V	NAYS
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
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3-R. 800	80 8
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0





# Constitutional Convention

AMENDMENT NO. 1

~~To Amend No. 1~~ \_\_\_\_\_

To Committee Recommendation No. R&P-1

BY DELEGATE HARDWICKE

1 On page 1 strike out all of lines 14 through  
 2 20, inclusive, and insert in lieu thereof the  
 3 following:  
 4  
 5 "desirous of securing the blessings of Almighty  
 6 God and of civilization for ourselves and our  
 7 posterity, and believing that the chief func-  
 8 tion and purpose of government is to facilitate  
 9 the enjoyment by all people of life, liberty and  
 10 the pursuit of happiness,".

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 1 to  
R&P-1 (Preamble)

2

AS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Claggett	●		Key	●		Robey, F. C.		●
Tawes		●	Clarke, E. J.			Kiefer		●	Robie, K. L.		●
Clark, J.		●	Cleveland	●		Kirkland		●	Rollins	●	
James		●	Dabrowski		●	Koger		●	Rosenstock		●
Abramson	●		Darby		●	Kosakowski		●	Rush		●
Adkins	●		Della		●	Koss		●	Rybczynski		●
Anderson		●	Dorsey		●	Leitzel	●		Scanlan		●
Armor		●	Dukes		●	Linton	●		Schloeder	●	
Bamberger			Dulany		●	Lord	●		Schneider		●
Bard			Eckenrode		●	Macdonald		●	Sherbow		●
Barrick		●	Finch		●	Malkus	●		Sickles		●
Baumann		●	Fornos		●	Marion		●	Siewierski		●
Beachley	No		Fox		●	Mason	●		Singer		●
Beall	●		Frederick		●	Maurer		●	Smith, J. H.		●
Bennett			Freedlander		●	Mentzer		●	Smith, M. H.		●
Blair	●		Gallagher	●		Miller, B.	●		Sollins		●
Boileau		●	Gilchrist		●	Miller, E. T.	●		Sosnowski		●
Borom			Gill		●	Mitchell	●		Soul		●
Bothe	●		Gleason		●	Morgan	●		Stern	●	
Boyce	●		Grant	●		Moser		●	Storm	●	
Boyer		●	Groh	●		Mosner	●		Sybert		●
Boyles	●		Grumbacher			Mudd	●		Taylor, H. E.		●
Bradshaw		●	Gullett	●		Murphy		●	Taylor, L.	●	
Bryson		●	Hanson		●	Murray, D. S.		●	Ulrich		●
Burdette		●	Hardwicke	●		Murray, E. C.		●	Vecera		●
Burgess		●	Hargrove	●		Needle		●	Wagandt		●
Bushong	●		Harkness	●		Neilson		●	Webb		●
Buzzell		●	Harris		●	Neumann		●	Ritter		●
Byrnes		●	Henderson		●	Smith, A. W.		●	Weidemeyer		●
Caldwell		●	Hickman		●	Pascal	●		Wheatley		●
Cardin		●	Hopkins		●	Penniman		●	White	●	
Carson	●		Hostetter		●	Peters		●	Willis		●
Case		●	Hutchinson		●	Powers		●	Willoner		●
Chabot			Jett		●	Price		●	Winslow		●
Child		●	Johnson		●	Pullen		●			
Cicone		●	Kahl		●	Raley		●			

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YEAS	N-V	NAYS
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# Constitutional Convention

AMENDMENT NO. 2

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE BENNETT

1 On page 2 Section 2 Freedom of Religion  
2 in lines 21 and 22 strike out the following  
3 words: ", nor prohibiting the free exercise  
4 thereof".

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*Withdrawn*



# Constitutional Convention

AMENDMENT NO. 3

To Accompany Minority Report R&D-1 (D)

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE S BENNETT, BOTHE, BURGESS, HARDWICKE,  
MITCHELL, L. TAYLOR, WILLONER

1       On page 2 Section 3 Right to Due Process  
2   and Equal Protection in line 31 after the  
3   word "laws" add the following words:

4  
5       "nor be subject to discrimination by the  
6   State because of race, color, religion, or  
7   national origin".

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 3 to  
Com. Rec. R & P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrod			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
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3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 500	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
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Y

# Constitutional Convention

AMENDMENT NO. 3A

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To Amendment No. 3

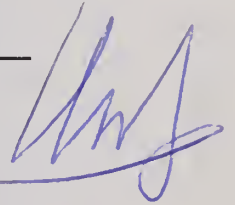
To Committee Recommendation No. R&P-1

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BY DELEGATES BOILEAU, BOROM

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1 On page 1 of the amendment in line 6 strike  
2 out the word "religion" and insert in lieu  
3 thereof the word "creed".  
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31-A

94-W





CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 3a to Amend 2  
3 to Com. Rec. R & P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Awes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramso			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Lamberger			Dulany			Lord			Schneider		
Hard			Eckenrode			Macdonald			Sherbow		
Harrick			Finch			Malkus			Sickles		
Laumann			Fornos			Marion			Siewierski		
Teachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. O.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Clynes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

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NOV. 9
DEC. 0



# Constitutional Convention

AMENDMENT NO. 4

To Amendment No. 3

To Committee Recommendation No. R&P-1

BY DELEGATE STORM

1 On page 2 of the amendment in lines 6 and 7  
 2 ~~7~~ strike out the words "or national origin"  
 3 and insert in lieu thereof the words "national  
 4 origin, or sex".  
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31 ← at the end of  
 sect 3 as  
 amended by  
 Amend #3.





B

# Constitutional Convention

AMENDMENT NO. 5

~~To Amend~~ \_\_\_\_\_

To Committee Recommendation No. R&P-1

BY DELEGATE Lloyd TAYLOR

1 On page 2 Section 3 Right to Due Process and  
2 Equal Protection in line 31 after the period  
3 add the following new sentence:  
4  
5 "The State or its political subdivisions shall  
6 not violate or deprive any individual of his  
7 legal or civil rights because of his economic-  
8 ally deprived or indigent status; ~~nor deny him~~  
9 ~~these rights because of race, color, religion,~~  
10 ~~national origin,~~ or social status."  
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X

# Constitutional Convention

AMENDMENT NO. 6

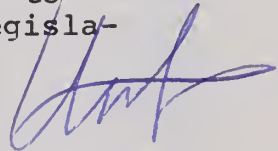
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To Committee Recommendation No. R&P-1

BY DELEGATE L. TAYLOR

1 On page 2 Section 3 Right to Due Process  
2 and Equal Protection in line 31 after the period  
3 add the following new sentence:  
4

5 "The General Assembly shall have power to  
6 enforce this section by appropriate legisla-  
7 tion."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 6 to  
Com. Rec. R-P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Clagett		•	• Key			Robey, F. C.		•
Tawes		•	Clarke, E. J.		•	Kiefer		•	Robie, K. L.		•
Clark, J.		•	Cleveland		•	Kirkland		•	Rollins	•	
James		•	Dabrowski		•	• Koger			Rosenstock		•
Abramson		•	Darby	•		Koschowski		•	Rush		•
Adkins		•	Della	•		Koss		•	Rybczynski		•
Anderson		•	Dorsey		•	Leitzel		•	Scanlan		•
Armor		•	Dukes	•		Linton	•		• Schloeder		
Bamberg	•		Dulany		•	Lord		•	Schneider		•
Bard		•	Eckenrode		•	• Macdonald			Sherbow		•
Barrick	•		Finch		•	Malkus	•		Sickles		•
Baumann	•		Fornos	•		• Marion			Siewierski		•
Beachley		•	Fox		•	• Mason			Singer		•
Beall		•	Frederick		•	Maurer		•	Smith, J. H.		•
• Bennett			Freedlander		•	Mentzer		•	Smith, M. H.		•
Blair	•		Gallagher		•	• Miller, B.			Sollins		•
Boileau		•	Gilchrist	•		Miller, E. J.		•	Sosnowski	•	
Borom	•		Gill	•		• Mitchell			Soul		•
Bothe	•		Gleason		•	• Morgan			Stern		•
Boyce		•	Grant	•		Moser		•	Storm		•
Boyer	•		Groh		•	Mosner	•		Sybert		•
Boyles		•	• Grumbacher			Mudd	•		• Taylor, H. E.		
Bradshaw		•	Gullett	•		Murphy	•		• Taylor, L.		
Bryson		•	Hanson		•	Murray, D. S.		•	Ulrich	•	
Burdette		•	• Hardwicke			Murray, E. C.		•	Vecera		•
Burgess	•		Hargrove		•	Needle		•	Wagandt	•	
Bushong	•		Harkness		•	Neilson		•	• Webb		
Buzzell		•	Harris		•	Neumann		•	Ritter		•
Byrnes		•	Henderson		•	Smith, A. W.		•	• Weidemeyer		
Caldwell		•	Hickman		•	Pascal	•		Wheatley		•
Cardin		•	Hopkins		•	Penniman		•	• White		
Carson		•	• Hostetter			Peters	•		Willis		•
Case		•	Hutchinson		•	Powers		•	Willoner		•
• Chabot			Jett		•	Price		•	Winslow		•
Child		•	Johnson		•	Pullen		•			
Cicone		•	Kahl		•	Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
Q.U.O. 900	90 9
MOT. 000	00 0

DATE:	
JAN.	1 2 3
	1 2 3 4 5 6
SEPT.	7
OCT.	8
NOV.	9
DEC.	0





# Constitutional Convention

AMENDMENT NO. 7

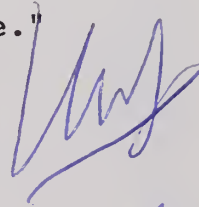
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To Committee Recommendation No. R&P-1

BY DELEGATE BOTHE

1 On page 2 Section 4 Search and Seizure;  
 2 Right to Privacy in line 47 after the period  
 3 add this new sentence: "Evidence secured  
 4 in violation of these provisions shall not  
 5 be used against any person in any pro-  
 6 ceedings either civil or criminal in the  
 7 courts or before any agencies of the State."

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 7 to  
Com. Rec. RFP-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Claggett		•	Key	•		Robey, F. C.		•
Tawes		•	Clarke, E. J.		•	Kiefer		•	Robie, K. L.		•
Clark, J.		•	Cleveland	•		Kirkland		•	Rollins		•
James		•	Dabrowski		•	Kooser	•		Rosenstock		•
• Abramson			Darby	•		Kosakowski		•	Rush		•
Adkins		•	Della	•		Koss	•		Rybczynski		•
Anderson		•	Dorsey		•	Leitzel		•	Scanlan		•
Armor		•	Dukes	•		Linton		•	• Schloeder		•
Bamberger		•	Dulaney		•	• Lord			Schneider		•
Bard		•	Eckenrode		•	• Macdonald			Sherbow		•
Barrick		•	Finch		•	Malkus	•		Sickles		•
Baumann	•		Fernos	•		Marion		•	Siewierski		•
Beachley		•	Fox		•	Mason		•	Singer		•
Beall		•	Frederick	•		Maurer		•	Smith, J. H.		•
• Bennett			• Freedlander			Mentzer		•	Smith, M. H.		•
Blair	•		• Gallagher			• Miller, B.			• Sollins		•
• Boileau			Gilchrist		•	Miller, E. T.			Sosnowski		•
• Borom			Gill		•	• Mitchell			Soul		•
• Bothe			Gleason		•	• Morgan			Stern		•
• Boyce			• Grant			Moser		•	Storm		•
Boyer		•	Groh		•	Mosner	•		Sybert		•
• Boyles			Grumbacher		•	Mudd	•		Taylor, H. E.		•
Bradshaw		•	Gullett	•		Murphy	•		Taylor, L.	•	
• Bryson			Hanson		•	Murray, D. S.		•	Ulrich		•
• Burdette			• Hardwicke			Murray, E. C.		•	Vecera	•	
• Burgess			Hargrove		•	Needle		•	Wagandt		•
Bushong	•		Harkness		•	Neilson		•	Webb	•	
Buzzell		•	Harris		•	Neumann		•	Ritter	•	
Byrnes		•	Henderson		•	Smith, A. W.		•	Weidemeyer		•
Caldwell		•	Hickman		•	Pascal		•	Wheatley		•
Cardin		•	Hopkins		•	Penniman		•	• White		•
Carson		•	Hostetter		•	Peters		•	Willis		•
Case		•	Hutchinson		•	Powers		•	Willoner		•
Chabot		•	Jett		•	Price		•	Winslow		•
Child		•	Johnson		•	Pulion		•			
Cicone		•	Kahl		•	Raley	•				

YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
100-200	100-200	100-200			JAN.
0 0	0 0	0 0	1000	100	1 2
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5 5	5 5	5 5	RESO.	600	60 4
6 6	6 6	6 6	2-P.	700	70 5
7 7	7 7	7 7	3-P.	800	80 6
8 8	8 8	8 8	QUO	900	90 7
9 9	9 9	• 9 9	MOT	000	60 8
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					• DEC 0





H

# Constitutional Convention

AMENDMENT NO. 8

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE BOTHE

1 On page 2 Section 4 Search and Seizure;  
2 Right to Privacy in line 47 after the period  
3 add this new sentence: "Evidence secured  
4 in violation of these provisions shall not  
5 be admissible in any court against any  
6 person."

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 8 to  
Com. Rec. R & P-1

25

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Claggett		•	• Key			Robey, F. C.		•
Tawes		•	Clarke, E. J.		•	Kiefer		•	Robie, K. L.		•
Clark, J.		•	Cleveland		•	Kirkland		•	Rollins		•
James		•	Dabrowski		•	Kozer	•		Rosenstock		•
• Abramson		•	Darby	•		Kosakowski		•	Rush		•
Adkins		•	Della	•		• Koss		•	Rybczynski		•
Anderson		•	Dorsey		•	Leitzel		•	Scanlan		•
Armor		•	Dukes	•		• Linton			• Schloeder		•
Bamberger		•	Dulany		•	Lord	•		Schneider		•
• Bard		•	Eckenrode		•	• Macdonald			Sherbow		•
Barrick		•	• Finch			Malkus	•		Sickles		•
Baumann	•		Fornos	•		• Marion			Siewierski		•
Beachley		•	Fox		•	Mason		•	Singer		•
Beall		•	Frederick	•		Maurer		•	Smith, J. H.		•
• Bennett			Freedlander			Mentzer		•	Smith, M. H.		•
Blair	•		• Gallagher			• Miller, B.			• Sollins		
• Boileau			Gilchrist		•	Miller, E. C.			Sosnowski		•
• Bottom			Gill		•	• Mitchell			Soul		•
• Bothe			Gleason		•	• Morgan			Stern		•
• Boyce			• Grant			Moser		•	Storm		•
• Boyer			Groh		•	Mosner	•		Sybert		•
• Boyles			• Grumbacher			Mudd	•		Taylor, H. E.		•
Bradshaw		•	Gullett	•		Murphy	•		• Taylor, L.		
• Bryson			• Hanson			Murray, D. S.		•	Ulrich		•
• Burdette			• Hardwicke			Murray, E. C.		•	Vecera	•	
• Burgess			Hargrove		•	Needle		•	Wagandt	•	
Bushong	•		Harkness		•	Neilson		•	Webb	•	
Buzzell		•	Harris		•	Neumann		•	Ritter	•	
• Byrnes			Henderson		•	Smith, A. W.		•	X Weidemeyer	No	
Caldwell		•	Hickman		•	• Pascal			Wheatley		•
Cardin		•	Hopkins		•	Penniman		•	• White		
Carson		•	• Hostetter			Peters		•	Willis		•
Case		•	Hutchinson		•	Powers		•	Willoner		•
Chabot		•	Jett		•	Price	•		Winslow		•
Child		•	Johnson		•	Pullen		•			
Cicone		•	Kahl		•	Raley	•				

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YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
100-200	100-200	100-200			JAN. 2
0 0	0 0	0 0	1000 100	10 1	3
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6 6	6 6	6 6	2-R. 700	70 7	6
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8 8	8 8	• 8 8	QUO. 900	90 9	OCT. 8
9 9	9 9	9 9	MOT. 000	00 0	NOV. 9
					DEC. 0



U

# Constitutional Convention

AMENDMENT NO. 9

~~XXXXXXXXXXXXXXXXXXXX~~  
~~To Amendment No.~~

To Committee Recommendation No. R&P-1

BY DELEGATE HENDERSON

1 On page 3 Section 5 Rights of Accused  
2 strike out all of lines 11 and 12 and insert  
3 in lieu thereof the following words:  
4  
5 "of not less than six upon a verdict of  
6 not less than five-sixths, as prescribed  
7 by law."  
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*Withdrawn*





R

# Constitutional Convention

AMENDMENT NO. 10

~~XXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE S JAMES AND J. CLARK

1 On page 3 Section 5 Rights of Accused in  
2 line 11 strike out the word "unanimous".  
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*withdraw*



M

# Constitutional Convention

AMENDMENT NO. 11

~~XXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATES ADKINS AND SCANLAN

1        On page 3 Section 5 Rights of Accused in  
2 line 7 after the words "confronted with" add  
3 the words "and to examine under oath or affir-  
4 mation".  
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*For*  
*H.*

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*2-N*





CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 11 to  
Com. Rec. R & P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claiborne			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
● James			● Dabrowski			● Koger			● Rosenstock		
● Abramson			● Darby			● Kosakowski			● Rush		
● Adkins			● Della			● Koss			● Rybczynski		
● Anderson			● Dorsey			● Leitzel			● Scanlan		
● Armor			● Dukes			● Linton			● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider		
● Bard			● Eckenrode			● Macdonald			● Sherbow		
● Barrick			● Finch			● Malkus			● Sickles		
● Baumann			● Fornos			● Marion			● Siewierski		
● Beachley			● Fox			● Mason			● Singer		
● Beall			● Frederick			● Maurer			● Smith, J. H.		
● Bennett			● Freedlander			● Mentzer			● Smith, M. H.		
● Blair			● Gallagher			● Miller, B.			● Sollins		
● Boileau			● Gilchrist			● Miller, E. J.			● Sosnowski		
● Borom			● Gill			● Mitchell			● Soul		
● Bothe			● Gleason			● Morgan			● Stern		
● Boyce			● Grant			● Moser			● Storm		
● Boyer			● Groh			● Mosner			● Sybert		
● Boyles			● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy			● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.			● Ulrich		
● Burdette			● Hardwicke			● Murray, E. C.			● Vecera		
● Burgess			● Hargrove			● Needle			● Wagandt		
● Bushong			● Harkness			● Neilson			● Webb		
● Buzzell			● Harris			● Neumann			● Ritter		
● Byrnes			● Henderson			● Smith, A. W.			● Weidemeyer		
● Caldwell			● Hickman			● Pascal			● Wheatley		
● Cardin			● Hopkins			● Penniman			● White		
● Carson			● Hostetter			● Peters			● Willis		
● Case			● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett			● Price			● Winslow		
● Child			● Johnson			X Pullen					
● Cicone			● Kahl			● Raley					

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YEAS	N-V	NAYS
100-200	100-200	100-200
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1 1	1 1	1 1
2 2	2 2	2 2
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4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
PESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MGT. 000	00 0

DATE:
JAN. 2
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



A

# Constitutional Convention

AMENDMENT NO. 12

To Accompany Minority Report RP-1 (A)

To Amend No. ~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. RP-1

BY DELEGATES CHILD, BEACHLEY, BURGESS, DABROWSKI,  
GROH, HARDWICKE, HOSTETTER, PRICE, WEIDEMEYER

1 On page 3, Section 5 Rights of Accused  
2 in line 3 strike out the following: "(A)";

3  
4 And strike out all of lines 14 through  
5 19, inclusive.  
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*Law*

*73-A*

*51-N*

*Recommend  
fail  
53-A  
70-N*



CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 12 to 2  
Com. Rec. R&P-1

EAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	• Claggett			Key		•	Robey, F. C.		•
Tawes •			• Clarke, E. J.			Kiefer •			• Robie, K. L.		
• Clark, J.			• Cleveland			Kirkland		•	• Rollins		
James		•	• Dabrowski			Koger •			• Rosenstock		•
Abramson •			• Darby			Kosakowski		•	• Rush		
• Adkins			• Della			Koss		•	• Rybczynski		
• Anderson			• Dorsey			Leitzel •			• Scanlan		•
• Armor			• Dukes •			Linton			• Schloeder		•
Bamberger		•	• Dulany			Lord		•	• Schneider		
Bard		•	• Eckenrode		•	Macdonald		•	• Sherbow		•
• Barrick			• Finch		•	Malkus			• Sickles		
• Baumann			• Fornos		•	Marion		•	• Siewierski		
• Beachley			• Fox		•	• Mason			Singer		•
Beall •			• Frederick			Maurer		•	• Smith, J. H.		
Bennett		•	• Freedlander		•	• Montzer			• Smith, M. H.		
• Blair			• Gallagher		•	Miller, B.		•	Sollins		•
Boileau		•	• Gilchrist			Miller, E. J.			Sosnowski •		
Borom		•	• Gill		•	• Mitchell			• Soul		
Bothe		•	• Gleason		•	Morgan		•	Stern		•
Boyce		•	• Grant		•	Moser •			Storm		•
• Boyer			• Groh			Mosner •			• Sybert		
Boyles •			• Grumbacher			• Mudd			Taylor, H. E.		•
Bradshaw		•	• Gullett			Murphy		•	Taylor, L.		•
Bryson		•	• Hanson •			• Murray, D. S.			• Ulrich		
Burdette		•	• Hardwicke			• Murray, E. C.			• Vecera		•
• Burgess			• Hargrove		•	Needle		•	Wagandt		•
Bushong •			• Harkness		•	Neilson		•	• Webb		
• Buzzell			• Harris		•	• Neumann			• Ritter		•
• Byrnes			• Henderson			• Smith, A. W.			• Weidemeyer		
• Caldwell			• Hickman			• Pascal			Wheatley •		
• Cardin •			• Hopkins			• Penniman			White		•
• Carson			• Hostetter			• Peters			Willis		•
• Case			• Hutchinson			• Powers			Willoner		•
• Chabot		•	• Jett			• Price			Winslow		•
• Child			• Johnson			• Pullen					
• Cicone			• Kahl			• Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
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RESO.	600
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3-R.	800
QUO.	900
MOT.	000

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Motion by Del. Dukes  
to reconsider the vote  
by which Amend. 12 to  
R&P-1 was adopted

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Clagett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. T.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS  
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NAYS  
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3000 300  
4000 400  
500 500  
RESO. 600  
2-R. 700  
3-R. 800  
QUO. 900  
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COM. REC.  
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60 6  
70 7  
80 8  
90 9  
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SEPT. 7  
OCT. 8  
NOV. 9  
DEC. 0



# Constitutional Convention

AMENDMENT NO. 13

To Amendment No. ~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE S JAMES, J. CLARK, HENDERSON,  
SCANLAN

1 On page 3 Section 5 Rights of Accused  
2 on line 11 strike out the word "unanimous";  
3 and in line 12 strike out the period and insert  
4 in lieu thereof the following words:

5  
6 ", provided that the General Assembly may  
7 authorize majority verdicts of not less than  
8 ten in non-capital cases."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 13 to  
Com. Rec. R-P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

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SEPT.	7
OCT.	8
NOV.	9
DEC.	0



# Constitutional Convention

AMENDMENT NO. 14

~~Text Amended~~

To Committee Recommendation No. R&P-1

BY DELEGATE HENDERSON

1 On page 3 Section 5 Rights of Accused in  
2 line 12 after the period add this new sentence:

3  
4 "The General Assembly may provide for juries  
5 of six with a concurrence of five, in the  
6 District Court."  
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AD

# Constitutional Convention

AMENDMENT NO. 15

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To Committee Recommendation No. R&P-1

BY DELEGATE S CASE, LORD, CARSON

1 On page 3 Section 5 Rights of Accused  
2 in line 12 strike out the period and insert  
3 in lieu thereof the following:

4  
5 ", except that trial by jury shall not be  
6 required for petty offenses."

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*W. J. Carson*

*Withdrew*

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 15 to  
Com. Rec. R/P 1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Kozer			Rosenstock		
Abrams			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willon		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000 100	10 1	JAN 2
2000 200	20 2	3
3000 300	30 3	1
4000 400	40 4	2
	50 5	3
RESO. 600	60 6	4
2-R. 700	70 7	5
3-R. 800	80 8	6
QUO. 900	90 9	SEPT. 7
MOT. 000	00 0	OCT 8
		NOV. 9
		DEC. 0



# Constitutional Convention

AMENDMENT NO. 16

~~THE AMENDMENT NO.~~ \_\_\_\_\_

To Committee Recommendation No. R&P-1

BY DELEGATE GRANT

1 On page 3 Section 5 Rights of Accused follow-  
2 ing line 12 add the following:

3  
4 "An accused, except in cases punishable by  
5 death or life imprisonment, shall be entitled,  
6 unless public safety would require otherwise,  
7 to release pending trial conditioned only upon  
8 such bail or other terms as are reasonably  
9 necessary to secure his appearance before the  
10 court."

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 16 to  
Com. Rec. R-P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Clagett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
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1 1	1 1	1 1
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3 3	3 3	3 3
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
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4000 400	40 4
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RESO. 600	60 6
2-R. 700	70 7
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QUO. 900	90 9
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



AL

# Constitutional Convention

AMENDMENT NO. 17

~~XXXXXXXXXX~~ No. \_\_\_\_\_

To Committee Recommendation No. R&P-1

BY DELEGATE JOHNSON

1 On page 3 Section 7. Right to Jury Trial in  
2 Civil Cases in lines 41 and 42 strike out the  
3 words: "The jury shall consist of not less  
4 than six as may be fixed by law" and insert in  
5 lieu thereof the following:  
6  
7 "The jury shall consist of either six or twelve  
8 as provided by law".  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 17 to  
Com Rec R & P 1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Claggett		•	Key		•	Robey, F. C.		•
Tawes		•	Clarke, E. J.		•	Kiefer		•	Robie, K. L.		•
Clark, J.		•	Cleveland		•	Kirkland		•	Rollins		•
James		•	Dabrowski		•	Koger		•	Rosenstock		•
Abramson		•	Darby		•	Kosakowski		•	Rush		•
Adkins		•	Della	•		Koss		•	Rybczynski		•
Anderson		•	Dorsey	•		Leitzel		•	Scanlan		•
Armor		•	Dukes		•	Linton		•	Schloeder		•
Bamberger		•	Dulany		•	Lord	•		Schneider		•
Bard		•	Eckenrode		•	Macdonald		•	Sherbow		•
Barrick	•		Finch		•	Malkus		•	Sickles		•
Baumann		•	Fornos		•	Marion		•	Siewierski		•
Beachley		•	Fox		•	Mason		•	Singer	•	
Beall	•		Frederick		•	Maurer	•		Smith, J. H.		•
Bennett	•		Freedlander		•	Mentzer		•	Smith, M. H.		•
Blair		•	Gallagher		•	Miller, B.		•	Sollins		•
Boileau		•	Gilchrist	•		Miller, E. T.		•	Sosnowski		•
Borom	•		Gill		•	Mitchell		•	Soul		•
Bothe		•	Gleason	•		Morgan		•	Stern		•
Boyce		•	Grant	•		Moser	•		Storm		•
Boyer		•	Groh	•		Mosner		•	Sybert		•
Boyles	•		Grumbacher		•	Mudd		•	Taylor, H. E.		•
Bradshaw		•	Gullett	•		Murphy		•	Taylor, L.		•
Bryson		•	Hanson		•	Murray, D. S.		•	Ulrich		•
Burdette		•	Hardwicke		•	Murray, E. C.		•	Vecera	•	
Burgess		•	Hargrove		•	Needle		•	Wagandt		•
Bushong	•		Harkness		•	Neilson		•	Webb		•
Buzzell		•	Harris		•	Neumann		•	Ritter		•
Byrnes		•	Henderson		•	Smith, A. W.		•	Weidemeyer		•
Caldwell	•		Hickman		•	Pascal	•		Wheatley	•	
Cardin		•	Hopkins		•	Penniman		•	White		•
Carson	•		Hostetter		•	Peters		•	Willis		•
Case		•	Hutchinson		•	Powers		•	Willoner		•
Chabot		•	Jett		•	Price	•		Winslow		•
Child		•	Johnson		•	Pullen		•			
Cicone		•	Kahl		•	Raley		•			

YEAS	N-V	NAYS
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	50 5	3
RESO. 600	60 6	4
2-R. 700	70 7	5
3-R. 800	80 8	6
QUO. 900	90 9	SEPT. 7
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		DEC. 0





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# Constitutional Convention

AMENDMENT NO. 18

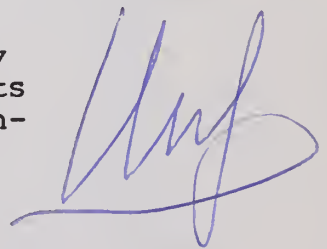
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To Committee Recommendation No. R&P-1

BY DELEGATE L. TAYLOR

1 On page 4 Section 8. Unusual Punishments  
2 following line 8 add the following:

3  
4 "(C) The General Assembly shall provide by  
5 law for the restoration of the civil rights  
6 of an individual lost as the result of con-  
7 viction of any crime."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 18 to  
Com. Rec. R&P-1

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YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Clagett		•	Key		•	Robey, F. C.		•
Tawes		•	Clarke, E. J.		•	Kiefer		•	Robie, K. L.		•
Clark, J.		•	Cleveland		•	Kirkland		•	Rollins		•
James	•		Dabrowski		•	Kozer		•	Rosenstock		•
Abramson	•		Darby	•		Kosakowski		•	Rush		•
Adkins		•	Della	•		Koss	•		Rybczynski		•
Anderson		•	Dorsey		•	Leitzel		•	Scanlan		•
Armor		•	Dukes		•	Linton		•	Schloeder		•
Bamberger		•	Dulany		•	Lord	•		Schneider		•
Bard		•	Eckenrode		•	Macdonald		•	Sherbow		•
Barrick	•		Finch	•		Malkus		•	Sickles		•
Baumann	•		Fornos		•	Marion		•	Siewierski		•
Beachley		•	Fox	•		Mason		•	Singer	•	
Beall	•		Frederick		•	Maurer		•	Smith, J. H.		•
Bennett	•		Freedlander		•	Mentzer		•	Smith, M. H.		•
Blair		•	Gallagher		•	Miller, B.		•	Sollins		•
Boileau		•	Gilchrist		•	Miller, E. T.		•	Sosnowski		•
Borom	•		Gill	•		Mitchell		•	Soul		•
Bothe	•		Gleason		•	Morgan	•		Stern		•
Boyce		•	Grant	•		Moser		•	Storm		•
Boyer		•	Groh	•		Mosner		•	Sybert		•
Boyles		•	Grumbacher		•	Mudd		•	Taylor, H. E.		•
Bradshaw		•	Gullett	•		Murphy		•	Taylor, L.		•
Bryson		•	Hanson		•	Murray, D. S.		•	Ulrich	•	
Burdette	•		Hardwicke	•		Murray, E. C.		•	Vecera		•
Burgess	•		Hargrove	•		Needle		•	Wagandt		•
Bushong	•		Harkness		•	Neilson		•	Webb		•
Buzzell		•	Harris	•		Neumann		•	Ritter		•
Byrnes		•	Henderson		•	Smith, A. W.		•	Weidemeyer		•
Caldwell		•	Hickman		•	Pascal		•	Wheatley		•
Cardin		•	Hopkins		•	Penniman		•	White		•
Carson	•		Hostetter		•	Peters		•	Willis	•	
Case	•		Hutchinson		•	Powers		•	Willoner		•
Chabot		•	Jett		•	Price	•		Winslow		•
Child		•	Johnson		•	Pullen		•			
Cicone		•	Kahl	•		Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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7 7	7 7	7 7
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DEL. PRO.	COM. REC.
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3000 300	30 3
4000 400	40 4
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DEC 31





# Constitutional Convention

AMENDMENT NO. 19

To Accompany Minority Report No. RandP-1(E)

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. RandP-1

BY DELEGATES BURGESS, DABROWSKI, HOSTETTER,  
C. MURRAY, WEIDEMEYER

1 On page 4 Section 9 Limitations on State  
2 Action in line 19 after the period add these  
3 words:  
4

5 "No general or indefinitely continuing  
6 authority shall hereafter be granted which  
7 authorizes the taking or damaging of private  
8 property by private persons, firms or cor-  
9 porations for any public use or purpose.  
10 Any such specific authority hereafter granted  
11 shall be limited to a specific purpose or  
12 purposes and shall be exercisable during  
13 such period of time as may be reasonably  
14 necessary to acquire the property by condem-  
15 nation but such period shall in no event  
16 extend for longer than three years. In  
17 granting any such specific authority the  
18 advance taking of property shall not be  
19 preferred but may be granted and exercised  
20 only upon a showing of immediate and urgent  
21 necessity."  
22

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*Handwritten signature*  
41-A  
69-N



CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 19 to  
Com. Rec. R & P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	• Clagett			Key		•	Robey, F. C.		•
Tawes		•	• Clarke, E. J.			Kiefer		•	Robie, K. L.		•
Clark, J. •			• Cleveland			• Kirkland			Rollins		•
James		•	• Dabrowski			Koger		•	Rosenstock		•
Abramson		•	Darby •			• Kosakowski			Rush		•
Adkins •			Della •			Koss		•	• Rybczynski		
Anderson		•	• Dorsey			Leitzel		•	Scanlan •		
Armor •			Dukes		•	Linton •			Schloeder •		
Bamberg •			Dulany		•	Lord •			• Schneider		
Bard		•	• Eckenrode			Macdonald		•	Sherbow		•
Barrick •			• Finch			Malkus •			Sickles		•
Baumann •			• Fornos			Marion		•	• Siewierski		
Beachley		•	• Fox			Mason •			Singer		•
Beall •			Frederick		•	Maurer		•	Smith, J. H.		•
• Bennett			Freedlander		•	Mentzer		•	Smith, M. H.		•
• Blair			Gallagher		•	Miller, B.		•	Sollins		•
Boileau		•	Gilchrist		•	Miller, E. J.			Sosnowski •		
Borom •			Gill		•	• Mitchell			• Soul		
Bothe		•	Gleason •			Morgan		•	• Stern		
Boyce		•	Grant		•	Moser		•	Storm		•
• Boyer			Groh •			Mosner		•	Sybert		•
• Boyles			Grumbacher		•	Mudd		•	• Taylor, H. E.		
Bradshaw		•	Gullett •			Murphy		•	Taylor, L.		•
Bryson		•	Hanson		•	• Murray, D. S.			Ulrich		•
• Burdette			Hardwicke		•	• Murray, E. C.			• Vecera		
• Burgess			Hargrove		•	Needle		•	Wagandt		•
Bushong •			Harkness		•	Neilson		•	• Webb		
• Buzzell			Harris		•	• Neumann			• Ritter		
Byrnes		•	Henderson		•	Smith, A. W.			• Weidemeyer		
• Caldwell			Hickman •			Pascal •			• Wheatley		
• Cardin			Hopkins		•	Penniman		•	White		•
Carson		•	• Hostetter			• Peters			Willis		•
Case		•	• Hutchinson			Powers		•	• Willoner		
Chabot •			• Jett			Price •			Winslow		•
Child •			• Johnson			• Pullen					
Cicone		•	Kahl •			Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1 •	1 1	1 1
2 2	2 2 •	2 2
3 3	• 3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	• 6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9 •

DEL. PRO.	COM. REC.
1000 100	• 10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9 •
MOT. 000	• 00 0

DATE:
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NOV. 9
• DEC. 0



# Constitutional Convention

AMENDMENT NO. 20

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE GILCHRIST

1 On page 4 Section 9 Limitations on State  
2 Action in lines 17 and 18 strike out the  
3 following words:

4  
5 "or damaged".  
6  
7  
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*Clmg*  
*46-A*  
*71-N*





CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 20 to  
Com. Rec R.P.-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Clagett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willor		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Motion to reconsider  
vote by which Amend  
20 Failed.

YEAS	N-V	NAYS
President		
Tawes		
Clark, J.		
James		
Abramson		
Adkins		
Anderson		
Armor		
Bamberger		
Bard		
Barrick		
Baumann		
Beachley		
Beall		
Bennett		
Blair		
Boileau		
Borom		
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Boyce		
Boyer		
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Bradshaw		
Bryson		
Burdette		
Burgess		
Bushong		
Buzzell		
Byrnes		
Caldwell		
Cardin		
Carson		
Case		
Chabot		
Child		
Cicone		

YEAS	N-V	NAYS
Clagett		
Clarke, E. J.		
Cleveland		
Dabrowski		
Darby		
Della		
Dorsey		
Dukes		
Dulany		
Eckenrode		
Finch		
Fornos		
Fox		
Frederick		
Freedlander		
Gallagher		
Gilchrist		
Gill		
Gleason		
Grant		
Groh		
Grumbacher		
Gullett		
Hanson		
Hardwicke		
Hargrove		
Harkness		
Harris		
Henderson		
Hickman		
Hopkins		
Hostetter		
Hutchins		No
Jett		
Johnson		
Kahl		

YEAS	N-V	NAYS
Key		
Kiefer		
Kirkland		
Kozer		
Kosakowski		
Koss		
Leitzel		
Linton		
Lord		
Macdonald		
Malkus		
Marion		
Mason		
Maurer		
Mentzer		
Miller, B.		
Miller, E. C.		
Mitchell		
Morgan		
Moser		
Mosner		
Mudd		
Murphy		
Murray, D. S.		
Murray, E. C.		
Needle		
Neilson		
Neumann		
Smith, A. W.		
Pascal		
Penniman		
Peters		
Powers		
Price		
Pullen		
Raley		

YEAS	N-V	NAYS
Robey, F. C.		
Robie, K. L.		
Rollins		
Rosenstock		
Rush		
Rybczynski		
Scanlan		
Schloeder		
Schneider		
Sherbow		
Sickles		
Siewierski		
Singer		
Smith, J. H.		
Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm		
Sybert		
Taylor, H. E.		
Taylor, L.		
Ulrich		
Vecera		
Wagandt		
Webb		
Ritter		
Weidemeyer		
Wheatley		
White		
Willis		
Willoner		
Winslow		

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YEAS	100-200
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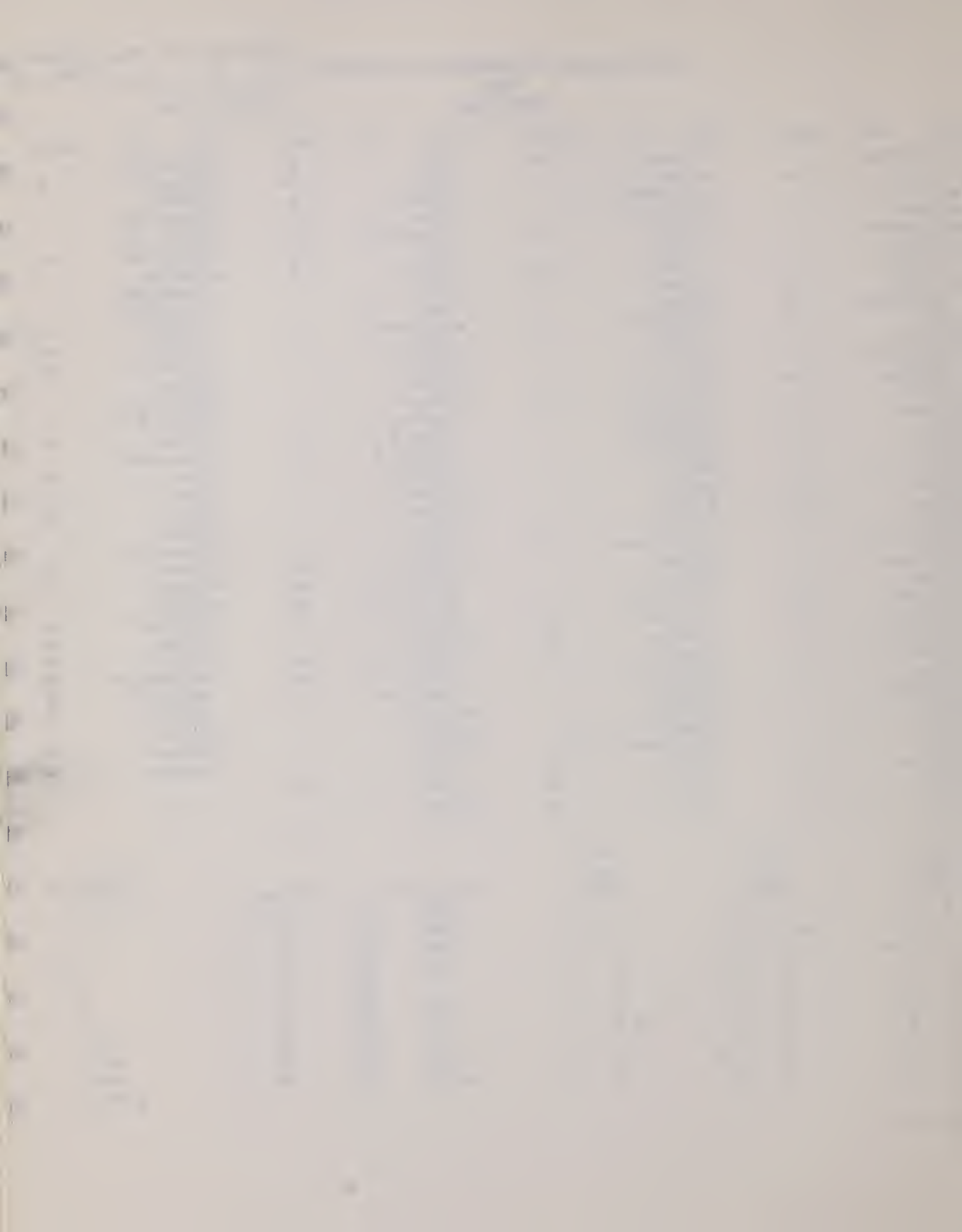
N-V	100-200
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NAYS	100-200
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9	9

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2000	200
3000	300
4000	400
	500
RESO.	600
2-R.	700
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COM. REC.	1
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# Constitutional Convention

AMENDMENT NO. 21

To Accompany Minority Report R&P-1(B)  
~~To Amend Article No. \_\_\_\_\_~~

To Committee Recommendation No. R&P-1

BY DELEGATES BENNETT, BOTHE, DABROWSKI,  
 HARDWICKE, KOSAKOWSKI, MITCHELL,  
 L. TAYLOR, WILLONER

1 On page 4 following line 23 of Section 9  
 2 Limitations on State Action add this new  
 3 section:

4 "Section \_\_\_\_\_. Right to Organize and Bargain  
 5 Collectively.

6  
 7  
 8 Employees shall have the right to organize  
 9 and bargain collectively through representatives  
 10 of their own choosing."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 21 to  
Com Rec R & P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Claggett		•	Key			Robey, F. C.		
Tawes		•	Clarke, E. J.			Kiefer		•	Robie, K. L.		
Clark, J.		•	Cleveland		•	Kirkland			Rollins		•
James		•	Dabrowski			Koger		•	Rosenstock		•
• Abramson			Darby			Kosakowski			Rush		•
Adkins		•	Della		•	Koss			• Rybczynski		
Anderson			Dorsey			Leitzel		•	Scanlan		•
• Armor			Dukes		•	Linton		•	• Schloeder		
• Bamberger			Dulany			Lord			• Schneider		
• Bard			Eckenrode			Macdonald		•	Sherbow		•
Barrick		•	Finch			Malkus			• Sickles		
• Baumann			Fornos		•	Marion			• Siewierski		
Beachley		•	Fox			Mason			• Singer		
• Beall			Frederick			Maurer		•	Smith, J. H.		
• Bennett			Freedlander			Mentzer		•	Smith, M. H.		•
• Blair			Gallagher			• Miller, B.			• Sollins		
• Boileau			Gilchrist		•	• Miller, E. J.			• Sosnowski		
• Borom			Gill		•	• Mitchell			• Soul		
• Bothe			Gleason		•	Morgan		•	• Stern		
• Boyce			Grant			• Moser			• Storm		
• Boyer			Groh		•	• Mosner			• Sybert		
Boyles		•	Grumbacher			Mudd		•	• Taylor, H. E.		
Bradshaw		•	Gullett		•	• Murphy			• Taylor, L.		
• Bryson			Hanson			• Murray, D. S.			Ulrich		•
Burdette		•	Hardwicke			• Murray, E. C.			• Vecera		
Burgess		•	Hargrove			• Needle			• Wagandt		
Bushong		•	Harkness		•	• Neilson			• Webb		
• Buzzell			Harris			Neumann		•	• Ritter		
• Byrnes			Henderson		•	• Smith, A. W.			Weidemeyer		•
Caldwell		•	Hickman			Pascal		•	• Wheatley		
Cardin		•	Hopkins			• Penniman			• White		
Carson		•	Hostetter		•	• Peters			Willis		•
• Case			Hutchinson			Powers		•	• Willoner		
• Chabot			Jett		•	Price		•	Winslow		•
Child		•	Johnson			• Pullen					
• Cicone			• Kahl			• Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000 100	10 1	JAN. 2
2000 200	20 2	3
3000 300	30 3	1
4000 400	40 4	2
	50 5	3
RESO. 600	60 6	4
2-R. 700	70 7	5
3-R. 800	80 8	6
QUO. 900	90 9	SEPT. 7
MOT. 000	00 0	OCT. 8
		NOV. 9
		DEC. 0



*dash*  
*imagining*

AP  
**Constitutional Convention**

AMENDMENT NO. 22

To Amendment No. \_\_\_\_\_

To Committee Recommendation No. R&P-1

BY DELEGATE WEIDEMEYER

*Section added by Amendment No 21*

1     On page 1 of the ~~amendment in line 8~~ strike  
2     out the word "Employees" and insert in lieu  
3     thereof the following:  
4  
5     "All employees, except governmental employees  
6     of the State, its subdivisions, municipalities,  
7     or those indirectly employed under contracts  
8     with the State, its subdivisions, and muni-  
9     cipalities,".

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*Strikes*     *✓ No strike*  
*compulsory*  
*abstain*

*16-A*  
*108-N*

*10-A*  
*55W*





CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 22 to  
Com. Rec R & P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Kozer			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderso			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
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4 4	4 4	4 4
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3-R. 800	80 8
QUO. 900	90 9
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# Constitutional Convention

AMENDMENT NO. 23

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE S JAMES, J. CLARK

1 On page 4 Section Right to Organize  
 2 and Bargain Collectively as amended by  
 3 Amendment No.        in line 10 of the amend-  
 4 ment after the word "choosing" add the  
 5 following words:  
 6 *procedural*  
 7 ", subject to such regulations as the General  
 8 Assembly may prescribe by law".  
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*And the General  
 Assembly right*

*70-A*  
*55-A*





CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 23 to  
Com. Rec. R.P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
● James			● Dabrowski		●	● Koger			● Rosenstock		
● Abramson			● Darby			● Kosakowski			● Rush		
● Adkins			● Della		●	● Koss			● Rybczynski		●
● Anderson			● Dorsey		●	● Leitzel			● Scanlan		
● Armor			● Dukes		●	● Linton			● Schloeder		●
● Bamberger		●	● Dulany			● Lord			● Schneider		
● Bard		●	● Eckenrode			● Macdonald			● Sherbow		
● Barrick			● Finch			● Malkus			● Sickles		●
● Baumann		●	● Fornos			● Marion			● Siewierski		
● Beachley			● Fox		●	● Mason			● Singer		●
● Beall		●	● Frederick		●	● Maurer			● Smith, J. H.		
● Bennett		●	● Freedlander		●	● Mentzer		●	● Smith, M. H.		
● Blair			● Gallagher		●	● Miller, B.		●	● Sollins		●
● Boileau		●	● Gilchrist			● Miller, E. J.			● Sosnowski		
● Borom		●	● Gill		●	● Mitchell		●	● Soul		
● Bothe		●	● Gleason			● Morgan			● Stern		
● Boyce		●	● Grant			● Moser		●	● Storm		
● Boyer		●	● Groh			● Mosner		●	● Sybert		
● Boyles	●		● Grumbacher		●	● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy		●	● Taylor, L.		●
● Bryson			● Hanson		●	● Murray, D. S.		●	● Ulrich		
● Burdette			● Hardwick		●	● Murray, E. C.			● Vecera		●
● Burgess			● Hargrove		●	● Needle		●	● Wagandt		●
● Bushong	●		● Harkness			● Neilson			● Webb		●
● Buzzell			● Harris		●	● Neumann			● Ritter		●
● Byrnes		●	● Henderson			● Smith, A. W.			● Weidemeyer		
● Caldwell			● Hickman			● Pascal			● Wheatley		●
● Cardin			● Hopkins		●	● Penniman			● White		●
● Carson			● Hostetter			● Peters			● Willis		
● Case	●		● Hutchinson			● Powers			● Willoner		●
● Chabot	●		● Jett			● Price	●		● Winslow		
● Child			● Johnson		●	● Pullen		●			
● Cicone	●		● Kahl			● Raley	●				

YEAS	N-V	NAYS
100-200	100-200	100-200
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2 2	2 2	2 2
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1000 100	10 1
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4000 400	40 4
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2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



AR

# Constitutional Convention

AMENDMENT NO. 24

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE S BARD, MACDONALD

1 On page 4 Section 9 Limitations on State  
2 Action in line 18 after the word "damaged"  
3 add the following words:  
4  
5 ", as the latter term shall be defined by  
6 law,".  
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*[Handwritten signature]*

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64-N



AT  
**Constitutional Convention**

AMENDMENT NO. 25

XXXXXXXXXXXXXXXXXXXX

To Committee Recommendation No. R&P-1

BY DELEGATE MALKUS

1 On page 4 Section Right to Organize  
2 and Bargain Collectively as amended by  
3 Amendment No. 21 in line 10 of the amendment  
4 add the following new sentence: "~~This~~  
5 ~~section~~ shall not authorize employees of  
6 the State of Maryland to engage in any  
7 strike against the State."

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shall not

P-2

84



# THE UNIVERSITY OF CHICAGO

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# Constitutional Convention

AMENDMENT NO. 26

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-1

BY DELEGATE S JOHNSON, BLAIR, BURDETTE,  
DORSEY, DUKES, GRANT, HARKNESS, NEILSON,  
F.C. ROBEY, ROLLINS, ROSENSTOCK, RYBCZYNSKI,  
M. SMITH, H. TAYLOR, WHEATLEY

1 On page 3 Section 7. Right to Jury Trial  
2 in Civil Cases strike out all of lines 41  
3 through 44, inclusive, beginning with the  
4 word "The" in line 41 and extending through  
5 the word "verdict." in line 44 and insert  
6 in lieu thereof the following:

7  
8 "The jury shall consist of not less than  
9 twelve. The General Assembly may provide  
10 by law for a jury of not less than six in  
11 the District Court. A unanimous decision  
12 of any jury shall be required to constitute  
13 its verdict."  
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75-A  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 26 to  
Com Rec Rep 1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Clagett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Kozer			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.	DATE:
1000 100	10 1	JAN. 2
2000 200	20 2	3
3000 300	30 3	1
4000 400	40 4	2
	50 5	3
RESO. 600	60 6	4
2-R. 700	70 7	5
3-R. 800	80 8	6
QUO. 900	90 9	SEPT. 7
MOT. 000	00 0	OCT. 8
		NOV. 9
		DEC. 0





# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

~~XXXXXXXXXXXX~~ Amendment No. \_\_\_\_\_

To Committee Recommendation No. R&P-1

BY DELEGATE GRANT

1 On page 3 Section 5 Rights of Accused in  
2 line 16 after the word "trial" add the words:  
3 "unless public safety would require otherwise".  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 2 to R&P-1  
(substance) R&P-2

2nd reading

YEAS	N-V	NAYS
President		•
Tawes		•
Clark, J.	•	Nay
James		•
Abramson		•
Adkins		•
Anderson		•
Armor		•
Bamberger		•
Bard		•
Barrick		•
Baumann		•
Beachley		•
Beall	•	
Bennett		•
Blair		•
Boileau		•
Borom		•
Bothe		•
Boyce		•
Boyer		•
Boyles	•	
Bradshaw		•
Bryson		•
Burdette		•
Burgess		•
Bushong	•	
Buzzell		•
Byrnes		•
Caldwell	•	
Cardin		•
Carson	•	
Case		•
Chabot	•	
Child		•
Cicone		•

YEAS	N-V	NAYS
• Clagett		
Clarke, E. J.		•
Cleveland		•
• Dabrowski		
• Darby		
• Della		
• Dorsey		
• Dukes		
Dulany		•
• Eckenrode		
• Finch		
Fornos		•
• Fox		
• Frederick		
Freedlander		•
• Gallagher		
Gilchrist		•
Gill		•
Gleason	•	
Grant	•	
• Groh		
Grumbacher		•
Gullett		•
Hanson		•
Hardwicke		•
Hargrove		•
• Harkness		
• Harris		
Henderson		•
Hickman		•
Hopkins		•
Hostetter		•
• Hutchinson		
Jett		•
Johnson		•
• Kahl		

YEAS	N-V	NAYS
• Key		
Kiefer		•
• Kirkland		
Koger		•
• Kosakowski		
Koss		•
Leitzel		•
• Linton		
Lord		•
Macdonald		•
Malkus	•	
Marion		•
Mason		•
Maurer		•
Mentzer		•
Miller, B.		•
Miller, E. T.		•
Mitchell		•
Morgan		•
Moser		•
Mosner	•	
Mudd		•
• Murphy		
Murray, D. S.		•
• Murray, E. C.		
Needle		•
• Neilson		
Neumann		•
Smith, A. W.		•
Pascal	•	
Penniman		•
• Peters		
Powers		•
Price		•
• Pullen		
Raley		•

YEAS	N-V	NAYS
• Robey, F. C.		
• Robie, K. L.		
• Rollins		
• Rosenstock		
• Rush		
• Rybczynski		
Scanlan		•
Schloeder		•
Schneider		•
Sherbow		•
Sickles		•
Siewierski		•
Singer		•
Smith, J. H.		•
• Smith, M. H.		
• Sollins		
• Sosnowski		
• Soul		
• Stern		
• Storm		
Sybert	•	
Taylor, H. E.		•
• Taylor, L.		
• Ulrich		
• Vecera		
Wagandt		•
• Webb		
• Ritter		
• Weidemeyer		
• Wheatley		
White		•
Willis	•	
• Willoner		
Winslow		•

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YEAS	N-V	NAYS
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NOV.	9
DEC.	0



INTRA-CONVENTION MEMORANDUM

DATE: 21 November 1967  
TO: H. Vernon Eney, President  
FROM: Mr. Ira J. Wagonheim, Chief Clerk  
SUBJECT: Delegate Proposals covered by committee recommendation  
returned to Clerk's Office.

The Committee on PERSONAL RIGHTS AND PREAMBLE has  
returned the following proposals with the report that they are  
covered by Committee Recommendation P.R. 2:

36  
76  
161  
178  
287  
411  
428  
444

31 (returned with P.R. 1)  
135 (returned with P.R. 1)

*for second reading*  
*See*  
*S4D-9*

Ira J. Wagonheim  
Ira J. Wagonheim  
Chief Clerk





COMMITTEE ON CALENDAR AND AGENDA

Debate Schedule No. 11

For Debate of Committee Recommendation No. R&P-2

There will be no general debate, and after presentation by the chairman, the Recommendation will be open to debate and amendment, no speech exceeding three (3) minutes (except as otherwise provided) as follows:

Section 1. Supremacy of the Constitution of the United States

Section 2. Reserved Powers

Section 3. Separation of Powers

Section 4. Suspension of Laws

Section 5. Limitation of Holding Office

Section 6. Adoption of Common Law

Section 7. Right to Sue State and Local Governments

Section 8. Right of Removal of Civil Cases

Section 9. Economic Opportunity

Section 10. Criminal Jury. Judge of Law and Fact

Section 11. Grand Jury Indictment as a Right of the Accused

Section 12. Right of Removal of Criminal Cases

Section 13. Imprisonment for Debt

Presentation by sponsor of amendments limited to ten (10) minutes including time yielded in answering questions.

Note: Speeches alternate between sides.



# Constitutional Convention

## COMMITTEE RECOMMENDATION NO. R&P-2

BY THE COMMITTEE ON PERSONAL RIGHTS AND THE  
PREAMBLE, Richard W. Kiefer, Chairman

November 17, 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 31; 34 (in part);  
36; 76; 121 (in part); 135; 161; 178; 287; 393  
(in part); 411; 428; 444.

### TITLE

1 A RECOMMENDATION that the Constitution  
2 contain provisions relating to articles of  
3 government, the administration of justice and  
4 the legal policies and limitations of the  
5 State, as follows:

6  
7 Section 1. Supremacy of the Constitution  
8 of the United States.  
9

10 The Constitution of the United States, and  
11 the Laws made, or which shall be made, in  
12 pursuance thereof, and all Treaties made, or  
13 which shall be made, under the authority of the  
14 United States, are, and shall be the Supreme  
15 Law of the State; and the Judges of this State,  
16 and all the People of this State, are, and  
17 shall be bound thereby; anything in the  
18 Constitution or Law of this State to the  
19 contrary notwithstanding.  
20

21 Section 2. Reserved Powers.  
22

23 The powers not delegated to the United States  
24 by the Constitution thereof, not prohibited by

1 it to the States, are reserved to the States  
2 respectively, or to the people thereof.  
3

4 Section 3. Separation of Powers.  
5

6 The legislative, executive, and judicial  
7 powers of government shall be forever separate  
8 and distinct from each other, and no person  
9 exercising the functions of one of these  
10 departments shall assume or discharge the  
11 duties of any other.  
12

13 Section 4. Suspension of Laws.  
14

15 No power of suspending Laws or the execu-  
16 tion of Laws, unless by, or derived from the  
17 Legislature, shall be exercised, or allowed.  
18

19 Section 5. Limitation of Holding Office.  
20

21 That no person shall hold, at the same time,  
22 more than one office of profit, created by the  
23 Constitution or Laws of this State. The  
24 position of Notary Public shall not be  
25 considered an office of profit within the  
26 meaning of this section.  
27

28 Section 6. Adoption of Common Law.  
29

30 That the Inhabitants of Maryland are  
31 entitled to the Common Law of England  
32 according to the course of that Law, and to the  
33 benefit of such of the English Statutes as  
34 existed on the Fourth day of July, seventeen  
35 hundred and seventy-six; and which, by  
36 experience, have been found applicable to their  
37 local and other circumstances, and have been  
38 introduced, used and practiced by the Courts  
39 of Law or Equity; and also of all Acts of the  
40 General Assembly in force on the effective date  
41 of this Constitution, except as may be  
42 inconsistent with the provisions of this  
43 Constitution; subject nevertheless, to the  
44 revision of, and amendment or repeal by, the  
45 General Assembly. And the Inhabitants of  
46 Maryland are also entitled to all property  
47 derived to them from, or under the Charter  
48 granted by his Majesty Charles the First to  
49 Caecilius Calvert, Baron of Baltimore.  
50



1           Section 7.   Right to Sue State and  
2                           Local Governments.  
3

4           The doctrine of sovereign immunity may not  
5 be pleaded as a defense in suits against the  
6 state, its instrumentalities and its  
7 political subdivisions except to the extent  
8 and in the manner as shall be permitted by  
9 law.

10  
11           Section 8.   Right of Removal of  
12                           Civil Cases.  
13

14           In all actions at law exceeding the  
15 jurisdictional amount provided by law or  
16 when the court sits in equity, a party after  
17 suggestion under oath that he cannot have a  
18 fair and impartial trial in the court in  
19 which the same is pending, the court shall  
20 order said cause removed to another court.

21  
22           Section 9.   Economic Opportunity.  
23

24           It shall be the policy of the state that  
25 all persons shall have economic security,  
26 the opportunity for employment and the means  
27 to provide for themselves and their families  
28 a standard of living based upon decency,  
29 dignity, and health. The General Assembly  
30 shall implement this policy.

31  
32           Section 10.   Criminal Jury, Judge of  
33                           Law and Fact.  
34

35           In the trial of all criminal cases, the  
36 Jury shall be the Judges of the Law, as well  
37 as of fact, except that the court may pass  
38 upon the sufficiency of the evidence to  
39 sustain a conviction.  
40

41           Section 11.   Grand Jury Indictment as  
42                           a Right of the Accused.  
43                           .

44           No person shall be held to answer for a  
45 capital or otherwise infamous crime unless  
46 on presentment or indictment of a Grand Jury,  
47 except in cases arising in the land or naval  
48 forces, or in the Militia when in actual  
49 service in time of war or public danger.  
50

## Section 12. Right of Removal of Criminal Cases.

In felony cases, after suggestion under oath by the accused that he cannot have a fair and impartial trial in the court where the case may be pending, that court shall order the case removed for trial.

## Section 13. Imprisonment for Debt.

No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by decree of said court for the support of a wife or dependent children, or for the support of an illegitimate child or children, or for alimony, shall not constitute a debt within the meaning of this section.

University of Maryland Library  
College Park, Md.

# Constitutional Convention

## COMMITTEE MEMORANDUM NO. R&P-2

BY THE COMMITTEE ON PERSONAL RIGHTS AND THE  
PREAMBLE, Richard W. Kiefer, Chairman

November 17, 1967.

In support of Committee Recommendation No. R&P-2

Maryland Room  
University of Maryland Library  
College Park, Md.

1       The Memorandum in support of  
2 Recommendation R&P-1 stated the Committee's  
3 belief that certain provisions of the present  
4 Declaration of Rights and certain other sections  
5 of the Constitution assigned to the Committee  
6 for consideration but not contained in  
7 Recommendation R&P-1, should be included else-  
8 where in the proposed Constitution. These  
9 recommendations, as well as others, are  
10 contained in Recommendation R&P-2.

### I

#### Sections 1-6

16       A majority of the Committee believes it  
17 desirable to reassert in an appropriate  
18 place in the Constitution certain basic  
19 articles of government recognized and stated  
20 in the present Declaration of Rights and  
21 Constitution. The first of these is the  
22 acknowledgement of the supremacy of the  
23 Constitution of the United States and the  
24 laws made or to be made in pursuance thereof;  
25 and the reassertion of the retention by the  
26 State, or its people, of the powers not  
27 delegated to the United States. These  
28 concepts, which are exact restatements of  
29 Articles 2 and 3 of the present  
30 Declaration of Rights, are contained in  
31 Section 1 and 2 of Recommendation R&P-2.  
32

1           Secondly, the Committee commends the  
2 provisions establishing that the legislative,  
3 executive and judicial powers of government  
4 shall be separate and distinct and that no  
5 person exercising the functions of one of  
6 these departments shall assume the duties of  
7 any other; and that no power of suspending  
8 laws or the execution of laws shall be  
9 exercised unless by or derived from the  
10 Legislature. Sections 3 and 4 relate to  
11 these matters and are nearly identical  
12 to Articles 8 and 9, respectively, of the  
13 present Declaration of Rights.  
14

15           One question raised before the  
16 Committee was whether certain administrative  
17 bodies may be engaging in more than one of  
18 the three functions of government.  
19 Article 8 of the present Declaration of  
20 Rights has never been interpreted in this  
21 respect so as to provide a definitive  
22 answer. It is our understanding that the  
23 Committee on General Provisions has considered  
24 this matter and prepared a recommendation to  
25 the Convention.  
26

27           A third concept that a majority of the  
28 Committee wanted restated in the  
29 Constitution is that no person, with the  
30 exception of a notary public, shall hold at  
31 the same time more than one office of profit  
32 created by the Constitution or laws of this  
33 State. This prohibition is stated in  
34 Section 5 of the Recommendation and is based  
35 upon Article 35 of the present Declaration of  
36 Rights. Some doubt has been raised as to  
37 whether Article 35 has been violated when local  
38 elected officials (such as county commissioner)  
39 by reason of office also serve on a bi-county  
40 agency or authority. Apparently Article 35  
41 has not created any obstacle to this kind of  
42 dual service. A majority of the Committee  
43 believes the constitutional principle of  
44 Article 35 should be re-enunciated even if  
45 such a conflict would develop.  
46

47           Section 6 of the Recommendation  
48 concerns the retention of the common law of  
49 England, current state statutes, etc. While  
50 the Committee believes that the continuation



1 of common law and statutes should be  
2 provided for in the Constitution, it has  
3 been advised that the Committee on  
4 General Provisions has assumed the  
5 responsibility for these matters in the  
6 appropriate transitory provisions it has  
7 or will prepare.

## 8 9 II

### 10 11 Section 7. Right to Sue State and 12 Local Governments.

13  
14 Sovereign immunity originates from the  
15 common law principle, allied with the divine  
16 right to rule, that "the King can do no  
17 wrong." It was thought to be a contradic-  
18 tion of the King's sovereignty to allow him  
19 to be sued as of right in his own courts.  
20 This doctrine was brought into Maryland by  
21 the common law and, at present, no one may  
22 ~~Sue~~ the State, its agencies and  
23 instrumentalities unless the State's  
24 sovereign immunity is waived.

25  
26 The Committee believes persons should  
27 recover for injury for which the State  
28 would bear legal responsibility if  
29 sovereign immunity did not provide  
30 protection. The concept that the "King  
31 can do no wrong" is inapplicable to modern  
32 society. The Committee recognizes,  
33 however, that there are certain officers  
34 and activities which do require protection  
35 in order that the government function  
36 properly. It is the role of the  
37 legislature to determine to what extent  
38 and in what manner the government shall be  
39 immunized.

### 40 41 Section 8. Right of Removal of Civil 42 Cases.

43  
44 This recommendation would retain the  
45 absolute right of removal in Article IV,  
46 Section 8, of the present Constitution for  
47 all actions at law, and for all cases in  
48 equity, when either party makes a suggestion  
49 under oath that he cannot have a fair and  
50 impartial trial in the court in which the



1 case is pending. It would permit the  
2 Legislature to establish a jurisdictional  
3 minimum amount in cases at law and only  
4 those cases exceeding that amount would  
5 be eligible for removal. The right of  
6 removal is presently provided for by  
7 Maryland Rule 542 as well as in  
8 Article IV, Section 8.

9

10 Section 9. Economic Opportunity.

11

12 This recommendation, which embraces  
13 part of the concept of Article 43 of  
14 the present Declaration of Rights,  
15 reflects the belief of a majority of the  
16 Committee that it is proper to reiterate  
17 in the Constitution the State's policy  
18 that its residents should have the  
19 opportunity for economic well-being.  
20 Furthermore, the Committee believes that  
21 the Legislature should continue to review  
22 the needs of the people in the light of  
23 changing conditions and continue to  
24 implement this policy as necessary for the  
25 general welfare.

26

27 Despite an increasing affluence in  
28 the State, a substantial number of persons  
29 are unemployed or underemployed.  
30 Increased technology in a highly urbanized  
31 society with the resultant demand for  
32 skilled and educated workers has left many  
33 persons without realistic opportunity for  
34 employment or the hope of self-improvement.  
35 By this recommendation the Committee  
36 reaffirms the General Assembly's  
37 continuing responsibility to meet these  
38 problems of today and tomorrow.

39

40 Section 10. Criminal Jury, Judge of  
41 Law and Fact.

42

43 A majority of the Committee recommends  
44 no change in Article XV, Section 5, of the  
45 present Constitution which provides that a  
46 criminal jury shall be the judge of both  
47 law and fact, on the belief this furnishes  
48 more protection for an accused than if the  
49 jury was only the judge of the facts. This  
50 procedure developed from the colonists'

1 fear of tyrannical and arbitrary Crown judges,  
2 many of whom were without legal training, and  
3 from their belief that a highly democratic  
4 tribunal should decide legal as well as  
5 factual matters in small agricultural  
6 communities. Today Maryland is unique in  
7 this practice since the provision of the only  
8 other state (Indiana) with a similar doctrine  
9 is attenuated by judicial interpretation to  
10 the extent that a judge is not required to  
11 neutralize the effect of his instructions by  
12 telling the jury that it is at liberty to  
13 disregard them and to decide the law for  
14 themselves.

15  
16 The Maryland provision has been severely  
17 limited by statute and judicial construction.  
18 The trial judge determines the admissibility  
19 of evidence and the competency of witnesses,  
20 passes on the legal sufficiency of the new  
21 evidence, sets aside a jury verdict and  
22 grants a new trial, if he believes such  
23 action is warranted, or takes a case from  
24 the jury and directs a verdict of acquittal.  
25 Today a court must give advisory instruction  
26 if requested to do so by counsel.

27  
28 Section 11. Grand Jury Indictment as a  
29 Right of the Accused.  
30

31 There is no provision in the present  
32 Maryland Constitution that requires an  
33 indictment in any criminal case. Article 21  
34 of the Declaration of Rights only requires  
35 that an accused has the right to have a copy  
36 of the indictment or charge. The Fifth  
37 Amendment of the Federal Constitution, upon  
38 which this recommendation is based, applies  
39 only to trials in federal courts. Under  
40 Maryland Rule 708, a person charged with a  
41 felony must be prosecuted by a grand jury  
42 indictment unless he waives this right under  
43 Maryland Rule 709, which provides for an  
44 immediate trial. This recommendation would  
45 elevate to constitutional level the right to  
46 grand jury indictment for all capital and  
47 infamous crimes, as presently provided in  
48 the Maryland Rules.  
49  
50

1           Section 12.   Right of Removal of  
2                           Criminal Cases.  
3

4           This recommendation extends from capital  
5 cases to all felony cases the right of  
6 absolute removal, as presently contained in  
7 Article IV, Section 8, of the Constitution.  
8 In addition, it permits only the accused and  
9 not the State, to exercise the right of  
10 removal after suggestion under oath that he  
11 cannot obtain a fair and impartial trial. At  
12 the present time, either the State or the  
13 accused has an absolute right to remove a  
14 capital case and a conditional right to remove  
15 other criminal cases contingent upon satisfying  
16 the court of reasonable grounds for removal.  
17

18           A removal procedure paralleling the  
19 constitutional provision is now provided in  
20 Maryland Rules 542 and 738. It is the opinion  
21 of a majority of the Committee that the right  
22 of removal in felony cases should not be  
23 dependent on the rule-making power of the  
24 courts but should be protected constitutionally.  
25

26           Section 13.   Imprisonment for Debt.  
27

28           The Committee recommends the retention of  
29 Article III, Section 38, prohibiting imprison-  
30 ment for debt except for failure to satisfy  
31 certain support and alimony orders. Each  
32 Maryland Constitution since 1851 has prohibited  
33 this penalty; the exceptions noted above were  
34 provided by constitutional amendments in 1950  
35 and 1962. A majority of State constitutions  
36 contain a limited or absolute prohibition; while  
37 others restrict imprisonment for failure to pay  
38 a debt by statutory or common law.  
39

40           If this prohibition were removed from the  
41 Constitution, the General Assembly would have  
42 the power to prevent imprisonment for debt and  
43 could also provide exceptions as it desired. If  
44 the prohibition were removed from the Constitu-  
45 tion and the General Assembly took no action,  
46 the common law would prevail and the judiciary  
47 would develop the doctrine.  
48  
49  
50

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum in support of the deletion of Section 10, Criminal Jury, Judge of Law and Fact, of the majority recommendation as set forth on Page 3, lines 35 - 40, inclusive, of Committee Recommendation R&P-2.

By Delegates Bothe, Macdonald and Moser

The jury-as-judges-of-law provision recommended as R&P-2, Section 10, has been called by eminent authorities "anachronistic"<sup>1</sup>, "an anomalous situation which "should not be permitted to remain as a blight upon the administration of justice in Maryland," and "archaic, outmoded and atrocious."<sup>2</sup> It has been referred to as "our unique and indefensible procedure,"<sup>3</sup> and described as the "constitutional thorn" in "the flesh of Maryland's Body of Criminal Law."<sup>4</sup>

In a recent habeas corpus case the Fourth Circuit Court of Appeals reluctantly upheld the constitutionality of the provision, stating: "But constitutionality and wisdom are not interchangeable terms; a practice may be deemed unwise, yet not be unconstitutional..." Judge Sobeloff writing for the Court notes that this Convention would consider the matter and in a footnote observes: "Judge Dennis, a quarter century ago, pursuing his metaphor of 'a thorn in the flesh,' expressed the hope that some day 'new men' would accomplish a 'painless extraction.' Perhaps the forthcoming Constitutional Convention will achieve this result."<sup>5</sup>

Epithets and judicial opinion aside, logic impels that this Convention reject Section 10 for the following main reasons:

1. The 1851 Convention adopted a similar provision under a misconception of the common law of England. Such reasons as it was based on then have been repudiated or have disappeared and the rule should disappear with the original reasons for it.

2. All other American jurisdictions which had the rule have virtually abandoned it.

3. The main present effect of it is merely to confuse criminal juries and thereby to subvert justice.

4. It encourages inconsistency in the results of criminal trials and promotes unequal justice.

5. The language is misleading and does not mean what it seems to say.

## I.

The rule was first applied to limit the harsh effect in criminal libel cases where at common law the jury had to convict if the jury found that the defendant composed and published the document. The Court itself decided as a matter of law if the document was libelous. "Fox's Libel Act"<sup>6</sup> in 1791 changed this rule in England and had the effect of permitting the jury to pass on whether or not the document was libelous. This Act is not a part of the common law of Maryland.

The debates of the Constitution of Maryland of 1851<sup>7</sup> indicate that many variations of the rule were applied in different parts of the State, and that apparently in some counties criminal juries passed only upon the facts and not the law. The arguments make clear that a majority of the delegates thought the latter view was not the common law of England. Other than Fox's Libel Act, there was no warrant for this assumption. The provision was continued in the 1864 and 1867 Constitutions.

In this country, the rule apparently was applied in several states because of the colonists' fear of tyrannical and arbitrary Crown judges, the large number of judges without legal training, and the capacity of a highly democratic tribunal, such as a jury, to decide matters, legal as well as factual, in small agricultural communities.<sup>8</sup>

All Judges will have formal legal training under the new Constitution; the State is no longer made up of small agricultural communities.

## II.

In all but two states the rule has now been abandoned, although fifty years ago a similar system prevailed in at least ten states.<sup>9</sup> Only Maryland and Indiana today adhere to it. Long ago Indiana severely limited it so that a judge is not required to neutralize the effect of his instructions by telling the jury that they are at liberty to disregard them, and to decide the law for themselves.<sup>10</sup>

## III.

The practical effect of the juries-as-judges-of-the-law provision is to permit prosecutors and defense counsel to confuse criminal juries. In Maryland the judge instructs the jury on the applicable law, but he then must state that his instructions are merely advisory and not binding. Then the prosecutor argues the facts and reads law to the jury and so does defense counsel. One can readily find apparently conflicting principles of criminal law on either side of a proposition.



The foregoing is confusing enough. But the juries are not even given the benefit of taking the law books which the lawyers have into the jury room.

Expecting a lay juror to decide the law under this procedure is similar to permitting a lawyer to perform a surgical operation on a patient with a pair of garden shears.

#### IV.

Section 10 of R&P-2 encourages inconsistency in the results of criminal trials and promotes unequal justice. A jury inflamed by clever advocacy is more likely to acquit one defendant - or convict him - in one case, and reach the opposite result in another case on substantially the same facts.

Eliminating the provision will make the judge's instruction binding and will prevent defense counsel and prosecutors from citing to juries confusingly conflicting and inaccurate legal authorities.

An aggrieved defendant may appeal, and if the judge has improperly charged the jury, the case will be reversed on appeal merely because the law was inaccurately presented by counsel to the jury.

#### V.

Section 10 of R&P-2 does not even mean what it seems to say. If it did, it probably would violate the due process and equal protection clauses.

Case law has modified the literal meaning of the language. The trial judge determines the effectiveness of the indictment, the admissibility of evidence and the competency of witnesses,<sup>11</sup> as well as the constitutionality of a law.<sup>12</sup> Until 1950, the Court of Appeals could not pass on the sufficiency of the evidence and the language permitting this had to be added by Constitutional amendment.<sup>13</sup> The right of appellate review is nevertheless still limited because the court will not look into the minds of the jurors who were the sole judges of the law.<sup>14</sup>

We respectfully submit that Section 10 of R&P-2 should be deleted following both logic and the urgent entreaties made by many eminent authorities for so many years.

FOOTNOTES

- 1 Slansky v State, 192 Md. 94, 107, 63A 2d 599 (1949)
- 2 Chief Judge Prescott of the Court of Appeals in Juries  
as Judges of the Law: Should the Practice Be  
Continued?
- 3 Judge Henderson of the Court of Appeals in The Jury as  
Judges of Law and Fact in Maryland, 52 Md. S.B.A. 184,  
199 (1947).
- 4 Chief Judge Dennis of the Baltimore Supreme Bench in  
Maryland's Antique Constitutional Thorn, 92 U.Pa. L. Rev.  
34 (1943).
- 5 Wyley v Warden, 372 F. 2d 742, 747 (4th Cir. 1967)
- 6 32 STAT. Geo. III, c60
- 7 II Debates of the Constitutional Convention of 1851  
766-768.
- 8 Howe, Juries as Judges of Criminal Law, 52 Harv. L.  
Rev. 582, 591 (1939).
- 9 Arizona, Connecticut, Georgia, Illinois, Louisiana,  
Oregon, Pennsylvania, Tennessee, Indiana and Maryland.  
See Slansky v. State, 192 Md. 94, 104, 63 A 2d 599,  
(1949).
- 10 Bridgewater v. State, 153 Ind. 560, 55 N.E. 737 (1889).
- 11 Rasin v. State, 153 Md. 431, 138 Atl. 338 (1927).
- 12 Bell v. State, 37 Md. 108 (1881).
- 13 Yanch v. State, 201 Md. 296, 93 A 2d 749 (1953).
- 14 Brady v. State, 373 vs 83, 83 S Ct. 1194 (1963) #

CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Com. Rec. RP-2 with  
respect to sections  
10, 11, 13 as amended

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• President			• Clagett			• Key	•		• Robey, F. C.		
• Tawes			• Clarke, E. J.			• Kiefer			• Robie, K. L.		
• Clark, J. •			• Cleveland			• Kirkland		•	• Rollins		•
• James			• Dabrowski			• Koger	•		• Rosenstock		
• Abramson			• Darby			• Kosakowski			• Rush		
• Adkins •			• Della •			• Koss			• Rybczynski		
• Anderson •			• Dorsey •			• Leitzel •			• Scanlan		
• Armor			• Dukes •			• Linton			• Schloeder		
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• Bard			• Eckenrode			• Macdonald			• Sherbow		
• Barrick			• Finch			• Malkus •			• Sickles		
• Baumann •			• Fornos			• Marion			• Siewierski		
• Beachley			• Fox •			• Mason			• Singer		
• Beall			• Frederick •			• Maurer			• Smith, J. H.		
• Bennett		•	• Freedlander			• Mentzer			• Smith, M. H.		
• Blair			• Gallagher			• Miller, B.			• Sollins		•
• Boileau		•	• Gilchrist •			• Miller, E. T.			• Sosnowski		•
• Borom		•	• Gill			• Mitchell •			• Soul		
• Bothe		•	• Gleason			• Morgan			• Stern		•
• Boyce			• Grant			• Moser			• Storm		•
• Boyer •			• Groh			• Mosner			• Sybert		•
• Boyles			• Grumbacher		•	• Mudd •			• Taylor, H. E.		
• Bradshaw			• Gullett			• Murphy •			• Taylor, L.		•
• Bryson			• Hanson			• Murray, D. S.			• Ulrich		
• Burdette			• Hardwick			• Murray, E. C.			• Vecera •		
• Burgess			• Hargrove			• Needle			• Wagandt		
• Bushong •			• Harkness •			• Neilson			• Webb •		
• Buzzell			• Harris			• Neumann			• Ritter		
• Byrnes			• Henderson			• Smith, A. W.			• Weidemeyer		
• Caldwell •			• Hickman			• Pascal			• Wheatley		
• Cardin •			• Hopkins			• Penniman •			• White		
• Carson			• Hostetter			• Peters			• Willis		•
• Case			• Hutchinson			• Powers			• Willoner		•
• Chabot			• Jett			• Price •			• Winslow		
• Child			• Johnson			• Pullen					
• Cicone			• Kahl			• Raley		•			

YEAS	N-V	NAYS
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# Constitutional Convention

AMENDMENT NO. 1

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE S      SCANLAN, MOSER

1      On page 1 strike out all of Section 1  
 2      Supremacy of the Constitution of the United  
 3      States comprising lines 7 through 19, inclusive.  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 1 to  
R&P-2

YEAS N-V NAYS

● President  
● Tawes  
● Clark, J.  
● James  
● Abramson  
● Adkins  
● Anderson  
● Armor  
● Bamberger  
● Bard  
● Barrick  
● Baumann  
● Beachley  
● Beall  
● Bennett  
● Blair  
● Boileau  
● Borom  
● Bothe  
● Boyce  
● Boyer  
● Boyles  
● Bradshaw  
● Bryson  
● Burdette  
● Burgess  
● Bushong  
● Buzzell  
● Byrnes  
● Caldwell  
● Cardin  
● Carson  
● Case  
● Chabot  
● Child  
● Cicone

YEAS N-V NAYS

● Claggett  
● Clarke, E. J.  
● Cleveland  
● Dabrowski  
● Darby  
● Della  
● Dorsey  
● Dukes  
● Dulany  
● Eckenrode  
● Finch  
● Fornos  
● Fox  
● Frederick  
● Freedlander  
● Gallagher  
● Gilchrist  
● Gill  
● Gleason  
● Grant  
● Groh  
● Grumbacher  
● Gullett  
● Hanson  
● Hardwick  
● Hargrove  
● Harkness  
● Harris  
● Henderson  
● Hickman  
● Hopkins  
● Hostette  
● Hutchinson  
● Jett  
● Johnson  
● Kahl

YEAS N-V NAYS

● Key  
● Kiefer  
● Kirkland  
● Koger  
● Kosakowski  
● Koss  
● Leitzel  
● Linton  
● Lord  
● Macdonald  
● Malkus  
● Marion  
● Mason  
● Maurer  
● Mentzer  
● Miller, B.  
● Miller, E. J.  
● Mitchell  
● Morgan  
● Moser  
● Mosner  
● Mudd  
● Murphy  
● Murray, D. S.  
● Murray, E. C.  
● Needle  
● Neilson  
● Neumann  
● Smith, A. W.  
● Pascal  
● Penniman  
● Peters  
● Powers  
● Price  
● Pullen  
● Raley

YEAS N-V NAYS

● Robey, F. C.  
● Robie, K. L.  
● Rollins  
● Rosenstock  
● Rush  
● Rybczynski  
● Scanlan  
● Schloeder  
● Schneider  
● Sherbow  
● Sickles  
● Siewierski  
● Singer  
● Smith, J. H.  
● Smith, M. H.  
● Sollins  
● Sosnowski  
● Soul  
● Stern  
● Storm  
● Sybert  
● Taylor, H. E.  
● Taylor, L.  
● Ulrich  
● Vecera  
● Wagandt  
● Webb  
● Ritter  
● Weidemeyer  
● Wheatley  
● White  
● Willis  
● Willoner  
● Winslow

YEAS

100-200

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N-V

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NAYS

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DEL. PRO.

1000 100  
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3000 300  
4000 400  
RESO. 600  
2-R. 700  
3-R. 800  
QUO. 900  
MOT. 000

COM. REC.

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N

# Constitutional Convention

AMENDMENT NO. 2

~~XXXXXXXXXXXXXXXXXXXX~~  
~~To Amendment No. XXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE S SCANLAN AND MOSER

1 On pages 1 and 2 Section 2. Reserved Powers  
2 strike out all of lines 21 through 24, inclu-  
3 sive, on page 1 and on page 2 strike out all  
4 of lines 1 and 2.

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 2 to  
R&P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer		●	● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland		●	● Rollins		●
● James			● Dabrowski		●	● Koger			● Rosenstock		●
● Abramson			● Darby			● Kosakowski		●	● Rush		●
● Adkins			● Della	●		● Koss		●	● Rybczynski		●
● Anderson	●		● Dorsey		●	● Leitzel			● Scanlan		
● Armor	●		● Dukes			● Linton		●	● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider		
● Bard			● Eckenrode			● Macdonald			● Sherbow		
● Barrick			● Finch	●		● Malkus	●		● Sickles		●
● Baumann			● Fornos			● Marion			● Siewierski		
● Beachley	●		● Fox		●	● Mason			● Singer		
● Beall			● Frederick			● Maurer			● Smith, J. H.		
● Bennett	●		● Freedlander			● Mentzer		●	● Smith, M. H.		
● Blair			● Gallagher			● Miller, B.	●		● Sollins		
● Boileau			● Gilchrist			● Miller, E. O.			● Sosnowski		
● Borom	●		● Gill			● Mitchell			● Soul		●
● Bothe			● Gleason			● Morgan			● Stern		
● Boyce	●		● Grant			● Moser			● Storm	●	
● Boyer			● Groh		●	● Mosner			● Sybert		●
● Boyles		●	● Grumbacher			● Mudd		●	● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy	●		● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.		●	● Ulrich		
● Burdette			● Hardwick	●		● Murray, E. C.			● Vecera		●
● Burgess		●	● Hargrove			● Needle			● Wagandt		
● Bushong	●		● Harkness			● Neilson		●	● Webb	●	
● Buzzell			● Harris	●		● Neumann			● Ritter		●
● Byrnes			● Henderson			● Smith, A. W.			● Weidemeyer		●
● Caldwell		●	● Hickman			● Pascal			● Wheatley		●
● Cardin			● Hopkins			● Penniman			● White		
● Carson			● Hostetter	●		● Peters	●		● Willis		
● Case			● Hutchinson		●	● Powers			● Willoner		
● Chabot	●		● Jett			● Price	●		● Winslow		
● Child		●	● Johnson			● Pullen		●			
● Cicone			● Kahl			● Raley		●			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1 ●
2 2	2 2	2 2
3 3	3 3	3 3 ●
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100
2000	200
3000	300
4000	400
	500
RESQ.	600
2-R.	700
3-R.	800
QUO.	900
MOT.	000

DATE:	1
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SEPT.	7
OCT.	8
NOV.	9
DEC.	0



# Constitutional Convention

AMENDMENT NO. 3

~~XXXXXXXXXXXXXXXXXXXX~~  
~~To Amendment No. XXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE S SCANLAN, MOSER

- 1 On page 2 strike out all of Section 3.
- 2 Separation of Powers comprising lines 4
- 3 through 11, inclusive.
- 4
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 3 to  
R&P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claquet			● Key			● Robey, F. C.		
● Tawes		●	● Clarke, E. J.		●	● Kiefer		●	● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland		●	● Rollins		
● James	●		● Dabrowski			● Kozer		●	● Rosenstock		●
● Abramso	●		● Darby	●		● Kosakowski		●	● Rush	●	
● Adkins			● Della	●		● Koss			● Rybczynski		
● Anderson		●	● Dorsey		●	● Leitzel		●	● Scanlan		
● Armor		●	● Dukes	●		● Linton	●		● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider	●	
● Bard			● Eckenrode		●	● Macdonald			● Sherbow		
● Barrick			● Finch	●		● Malkus	●		● Sickles		
● Baumann	●		● Fornos			● Marion			● Siewierski		●
● Beachley		●	● Fox			● Mason			● Singer		
● Beall	●		● Frederick		●	● Maurer			● Smith, J. H.		
● Bennett		●	● Freedlander			● Mentzer			● Smith, M. H.		●
● Blair		●	● Gallagher			● Miller, B.		●	● Sollins		
● Boileau			● Gilchrist			● Miller, E. A.			● Sosnowski		●
● Borom			● Gill		●	● Mitchell		●	● Soul		●
● Bothe			● Gleason		●	● Morgan			● Stern		
● Boyce			● Grant		●	● Moser			● Storm		
● Boyer		●	● Groh		●	● Masner			● Sybert		
● Boyles	●		● Grumbacher			● Mudd		●	● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy		●	● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.		●	● Ulrich		
● Burdette		●	● Hardwick			● Murray, E. C.		●	● Vecera		●
● Burgess		●	● Hargrove			● Needle			● Wagandt		
● Bushong	●		● Harkness		●	● Neilson			● Webb	●	
● Buzzell		●	● Harris		●	● Neumann			● Ritter		●
● Byrnes			● Henderson			● Smith, A. W.		●	● Weidemeyer		●
● Caldwell		●	● Hickman		●	● Pascal	●		● Wheatley		●
● Cardin			● Hopkins			● Penniman			● White	●	
● Carson			● Hostetter		●	● Peters	●		● Willis		
● Case			● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett			● Price	●		● Winslow		
● Child		●	● Johnson		●	● Pullen		●			
● Cicone		●	● Kahl		●	● Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	500 50
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MGT. 000	00 0

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JAN. 1	2
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NOV. 9	
DEC. 0	





# Constitutional Convention

AMENDMENT NO. 4

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE S SCANLAN AND MOSER

1 On page 2 Section 4. Suspension of Laws  
2 strike out all of lines 13 through 17,  
3 inclusive.  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 4 to  
Com Rec R & P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
● James	●		● Dabrowski			● Koar			● Rosenstock		
● Abramson	●		● Darby	●		● Kosakowski		●	● Rush	●	
● Adkins			● Della	●		● Koss	●		● Rybczynski		
● Anderson		●	● Dorsey		●	● Leitzel			● Scanlan		
● Armer			● Dukes	●		● Linton	●		● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider	●	
● Bard			● Eckenrode		●	● Macdonald			● Sherbow		
● Barrick			● Finch	●		● Malkus	●		● Sickles		
● Baumann	●		● Fornos			● Marion			● Siewierski		●
● Beachley			● Fox			● Mason			● Singer		
● Beall	●		● Frederick			● Maurer			● Smith, J. H.		
● Bennett			● Freedlander			● Mentzer			● Smith, M. H.		●
● Blair			● Gallagher			● Miller, B.			● Sollins		
● Boileau			● Gilchrist			● Miller, E. C.			● Sosnowski		
● Borom			● Gill			● Mitchell			● Soul		
● Bothe			● Gleason	●		● Morgan			● Stern		
● Boyce			● Grant	●		● Moser			● Storm		
● Boyer		●	● Groh		●	● Mosner			● Sybert		
● Boyles			● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy			● Taylor, L.		●
● Bryson			● Hanson			● Murray, D. S.			● Ulrich		
● Burdette		●	● Hardwick			● Murray, E. C.		●	● Vecera	●	
● Burgess		●	● Hargrove			● Needle			● Wagandt		
● Bushong	●		● Harkness			● Neilson			● Webb	●	
● Buzzell			● Harris			● Neumann			● Ritter		●
● Byrnes			● Henderson			● Smith, A. W.			● Weidemeyer		●
● Caldwell			● Hickman			● Pascal	●		● Wheatley		
● Cardin			● Hopkins			● Penniman			● White		
● Carson			● Hostetter		●	● Peters	●		● Willis		
● Case			● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett			● Price	●		● Winslow		
● Child		●	● Johnson		●	● Pullen		●			
● Cicone			● Kahl			● Raley					

YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
100-200	100-200	100-200			JAN.
0 0	0 0	0 0	1000 100	10 1	2
1 1	1 1	1 1	2000 200	20 2	3
2 2	2 2	2 2	3000 300	30 3	1
3 3	3 3	3 3	4000 400	40 4	2
4 4	4 4	4 4	500	50 5	3
5 5	5 5	5 5	RESO. 600	60 6	4
6 6	6 6	6 6	2-R. 700	70 7	5
7 7	7 7	7 7	3-R. 800	80 8	6
8 8	8 8	8 8	QUO. 900	90 9	SEPT. 7
9 9	9 9	9 9	MOT. 000	00 0	OCT. 8
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K

# Constitutional Convention

AMENDMENT NO. 5

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE WEIDEMEYER

1 On page 2 Section 5 Limitation of Holding  
2 Office strike out all of lines 24 and 25 and  
3 insert in lieu thereof the following:  
4  
5 "positions of notary public and delegate  
6 to a constitutional convention shall not be  
7 considered offices of profit within the".  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 5 to  
Com Rec R & P. 2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	• Claagett			Key		•	Robey, F. C.		•
Tawes •			• Clarke, E. J.			• Kiefer			• Robie, K. L.		
Clark, J.		•	• Cleveland			Kirkland •			• Rollins		
James •			• Dabrowski			Koeger		•	• Rosenstock		
Abramso •			• Darby			• Kosakowski			• Rush		
Adkins		•	• Della			Koss		•	• Rybczynski		
Anderson		•	• Dorsey			Leitzel		•	• Scanlan		
Armor •			• Dukes			• Linton			• Schloeder		
Bamberger		•	• Dulany		•	Lord		•	• Schneider		
Bard		•	• Eckenrode			Macdonald		•	• Sherbow		
Barrick •			• Finch		•	Malkus •			• Sickles		•
Baumann •			• Fornos		•	Marion		•	• Siewierski		
• Beachley			• Fox		•	Mason		•	• Singer		•
Beall •			• Frederick		•	Maurer		•	• Smith, J. H.		
• Bennett			• Freedlander		•	• Montzer			• Smith, M. H.		•
• Blair			• Gallagher		•	• Miller, B.		•	• Sollins		•
• Boileau			• Gilchrist			• Miller, E. T.			• Sosnowski		•
Borom •			• Gill		•	Mitchell		•	• Soul		
Bothe		•	• Gleason		•	Morgan		•	• Stern		
Boyce		•	• Grant		•	Moser		•	• Storm		•
Boyer •			• Groh			Mosner		•	• Sybert		
• Boyles			• Grumbacher			Mudd		•	• Taylor, H. E.		
Bradshaw		•	• Gullett			• Murphy			• Taylor, L.		
Bryson		•	• Hanson		•	• Murray D. S.		•	• Ulrich		•
• Burdette			• Hardwick			• Murray, E. C.		•	• Vecera		
• Burgess			• Hargrave		•	• Needle		•	• Wagandt		•
Bushong •			• Harkness			• Neilson		•	• Webb		•
Buzzell		•	• Harris		•	• Neumann			• Ritter		
Byrnes		•	• Henderson		•	• Smith, A. W.		•	• Weidemeyer		
Caldwell		•	• Hickman			• Pascal			• Wheatley		
Cardin		•	• Hopkins		•	• Penniman			• White		
Carson		•	• Hostetter			• Peters		•	• Willis		
Case		•	• Hutchinson			• Powers			• Willoner		•
Chabot		•	• Jett		•	• Price		•	• Winslow		•
• Child			• Johnson		•	• Pullen					
Cicone		•	• Kahl		•	• Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO 600	60 6
7 R 700	70 7
3 R. 800	80 8
QUO. 900	90 9
MOT 000	00 0

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SEPT. 7  
OCT. 8  
NOV. 9  
DEC. 0



AD

# Constitutional Convention

AMENDMENT NO. 6

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To Committee Recommendation No. R&P-2

BY DELEGATE SICKLES

1 On page 2 Section 5 Limitation of Holding  
2 Office in line 23 strike out the period and  
3 insert in lieu thereof the following words:

4  
5 ", except as may be provided by law."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 6 to  
Com Rec R-P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
James	●		● Dabrowski			● Kozer		●	● Rosenstock		●
● Abramson			● Darby	●		● Kosakowski		●	● Rush	●	
● Adkins		●	● Della	●		● Koss		●	● Rybczynski		●
● Anderson		●	● Dorsey		●	● Leitzel		●	● Scanlan		
● Armor		●	● Dukes	●		● Linton			● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider	●	
● Bard			● Eckenrode			● Macdonald		●	● Sherbow		
● Barrick		●	● Finch	●		● Malkus	●		● Sickles		
● Baumann			● Fornos		●	● Marion			● Siewierski		
● Beachley			● Fox			● Mason			● Singer		
● Beall	●		● Frederick			● Maurer			● Smith, J. H.		
● Bennett			● Freedlander		●	● Mentzer			● Smith, M. H.		●
● Blair			● Gallagher		●	● Miller, B.			● Sollins		●
● Boileau		●	● Gilchrist		●	● Miller, E. J.			● Sosnowski	●	
● Borom	●		● Gill		●	● Mitchell			● Soul		●
● Bothe			● Gleason			● Morgan			● Stern		
● Boyce			● Grant			● Moser			● Storm		
● Boyer		●	● Groh		●	● Mosner			● Sybert		●
● Boyles		●	● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw		●	● Gullett			● Murphy			● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.			● Ulrich		
● Burdette		●	● Hardwick	●		● Murray, E. C.		●	● Vecera		●
● Burgess		●	● Hargrove			● Needle			● Wagandt		●
● Bushong	●		● Harkness			● Neilson			● Webb	●	
● Buzzell			● Harris			● Neumann	●		● Ritter		●
● Byrnes		●	● Henderson			● Smith, A. W.			● Weidemeyer		●
● Caldwell			● Hickman			● Pascal		●	● Wheatley		
● Cardin			● Hopkins			● Penniman			● White		
● Carson		●	● Hostette	●		● Peters	●		● Willis		
● Case		●	● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett		●	● Price	●		● Winslow		
● Child		●	● Johnson		●	● Pullen					
● Cicone	●		● Kahl	●		● Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

DATE:	
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SEPT. 7	
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NOV. 9	
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AD

# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE SICKLES

1     On page 2 Section 5 Limitation of Holding  
2     Office in line 23 strike out the period and  
3     insert in lieu thereof the following words:  
4  
5     ", except as may be provided by law."  
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# MEMORANDUM FOR THE RECORD

DATE: 10/10/1964

TO: THE PRESIDENT, THE VICE PRESIDENT, AND THE MEMBERS OF THE CABINET

FROM: THE SECRETARY OF DEFENSE

SUBJECT: PROPOSED REVISIONS TO THE NATIONAL DEFENSE ESTIMATE

1. The following information is being provided for your information:

2. The proposed revisions to the National Defense Estimate are being prepared by the Joint Chiefs of Staff and the Department of Defense. The revisions are being prepared in accordance with the recommendations of the Joint Chiefs of Staff and the Department of Defense. The revisions are being prepared in accordance with the recommendations of the Joint Chiefs of Staff and the Department of Defense. The revisions are being prepared in accordance with the recommendations of the Joint Chiefs of Staff and the Department of Defense.



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# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE SICKLES

1     On page 2 Section 5 Limitation of Holding  
2     Office in line 23 strike out everything  
3     after the period and strike out all of  
4     lines 24, 25 and 26.  
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# THE UNIVERSITY OF CHICAGO

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# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE SICKLES

1 On page 2 Section 5 Limitation of Holding  
2 Office in line 26 after the period add the  
3 following new sentence:

4  
5 "This section shall not prohibit any elected  
6 officer or employee of a county from holding  
7 any office in a multi-county governmental  
8 unit to which he may be appointed by the  
9 governing body of the county."

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# Continental Convention

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# Constitutional Convention

AMENDMENT NO. 7

~~To Amend Article No. XXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATES VECERA AND RITTER

1 On page 2 following Section 5 Limitation of  
2 Holding Office add the following new section:  
3  
4 "Section \_\_\_\_\_. Disqualification for Office  
5 No person who advocates the overthrow of  
6 the government of the United States or of  
7 the State through force or violence shall be  
8 eligible to hold any elective or appointive  
9 office or any other position of the State or  
10 of any county, municipal corporation, or  
11 political subdivision of the State. The  
12 General Assembly shall provide by law for  
13 the enforcement of this section."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 7 to  
Com Rec R&P-1

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President	•		Clagett		•	Key	•		Robey, F. C.		•
Tawes	•		Clarke, E. J.			Kiefer		•	• Robie, K. L.		
Clark, J.	•		Cleveland	•		• Kirkland			Rollins		•
James	•		Dabrowski	•		Kozer		•	Rosenstock		•
Abramson	•		Darby	•		• Kosakowski			Rush	•	
Adkins	•		Della	•		Koss		•	• Rybczynski		
Anderson	•		• Dorsey			Leitzel		•	Scanlan		•
Armor	•		Dukes	•		Linton		•	Schloeder		•
Bamberger	•		Dulany		•	Lord		•	Schneider	•	
Bard	•		Eckenrode		•	Macdonald		•	Sherbow		•
Barrick	•		Finch	•		Malkus	•		Sickles		•
Baumann	•		• Fornos			Marion		•	• Siewierski		
Beachley	•		Fox		•	Mason		•	Singer		•
Beall	•		• Frederick			Maurer		•	Smith, J. H.		•
Bennett	•		Freedlander		•	Mentzer		•	Smith, M. H.		•
Blair	•		Gallagher	•		Miller, B.		•	Sollins		•
Boileau	•		Gilchrist		•	Miller, E. J.		•	Sosnowski		•
Borom	•		Gill		•	Mitchell		•	Soul		•
Bothe	•		Gleason		•	Morgan		•	Stern		•
Boyce	•		• Grant			Moser		•	Storm		•
• Boyer			Groh		•	Mosner		•	Sybert		•
Boyles	•		Grumbacher		•	Mudd		•	Taylor, H. E.		•
Bradshaw	•		Gullett		•	Murphy	•		Taylor, L.		•
Bryson	•		Hanson		•	Murray, D. S.		•	Ulrich		•
Burdette	•		Hardwick	•		Murray, E. C.		•	• Vecera		
• Burgess			Hargrove		•	Needle		•	Wagandt		•
Bushong	•		Harkness		•	Neilson		•	Webb	•	
Buzzell	•		Harris		•	Neumann	•		• Ritter		
Byrnes	•		Henderson		•	Smith, A. W.	•		• Weidemeyer		
Caldwell	•		Hickman	•		Pascal	•		• Wheatley		
Cardin	•		Hopkins		•	Penniman		•	White		•
Carson	•		Hostetter	•		Peters	•		Willis		•
Case	•		Hutchinson		•	Powers		•	Willoner		•
Chabot	•		Jett		•	Price	•		Winslow		•
Child	•		• Johnson			• Pullen					
Cicone	•		Kahl	•		Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

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OCT. 8
NOV. 9
DEC. 0



CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 8 to  
Com Rec Rpt-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claabett			● Key	●		● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Pobie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
● James	●		● Dabrowski			● Koger			● Rosenstock		
● Abrams	●		● Darby	●		● Kosakowski			● Rush		
● Adkins			● Della	●		● Koss	●		● Rybczynski		
● Anderson			● Dorsey			● Leitzel			● Scanlan		
● Armor			● Duker			● Linton	●		● Schloeder		
● Bamberger			● Dulany			● Lord	●		● Schneider	●	
● Bard			● Eckenrode			● MacDonald			● Sherbow	●	
● Barrick	●		● Finch			● Malkus	●		● Sickles	●	
● Baumann	●		● Fornes	●		● Marion			● Siewierski		
● Beachley	●		● Fox			● Mason			● Singer		
● Beall			● Frederick	●		● Maurer			● Smith, J. H.		
● Bennett			● Freedlander			● Mentzer			● Smith, M. H.		
● Blair			● Gallagher	●		● Miller, B.			● Sollins		
● Boileau	●		● Gilchrist			● Miller, E. E.	●		● Sosnowski		
● Borom			● Gill			● Mitchell	●		● Soul		
● Bothe			● Gleason	●		● Morgan			● Stern	●	
● Boyce	●		● Grant			● Moser			● Storm	●	
● Boyer			● Groh			● Mosner			● Sybert	●	
● Boyles	●		● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett	●		● Murphy	●		● Taylor, L.		●
● Bryson			● Hanson			● Murray, D. S.			● Ulrich		
● Burdette	●		● Hardwick	●		● Murray, E. C.			● Vecera	●	
● Burgess	●		● Hargrove			● Needle			● Wagandt		
● Bushong	●		● Harkness			● Neilson			● Webb	●	
● Buzzell			● Harris			● Neumann			● Ritter		
● Byrnes	●		● Henderson			● Smith, A. W.			● Weidemeyer		
● Caldwell			● Hickman			● Pascal	●		● Wheatley	●	
● Cardin			● Hopkins	●		● Penniman			● White		
● Carson			● Hestetter	●		● Peters			● Willis		
● Case			● Hutchinson			● Powers			● Willoner	●	
● Chabot			● Jett	●		● Price			● Winslow	●	
● Child			● Johnson	●		● Pullen					
● Cicone			● Kahl	●		● Bailey					

YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
100-200	100-200	100-200			1 JAN. 2
0 0	0 0	0 0	1000 100	10 1	3
1 1	1 1	1 1	2000 200	20 2	1
2 2	2 2	2 2	3000 300	30 3	2
3 3	3 3	3 3	4000 400	40 4	3
4 4	4 4	4 4		50 5	4
5 5	5 5	5 5	RESO. 600	60 6	5
6 6	6 6	6 6	2-R. 700	70 7	6
7 7	7 7	7 7	3-R. 800	80 8	SEPT. 7
8 8	8 8	8 8	QUO. 900	90 9	OCT. 8
9 9	9 9	9 9	MOT. 000	00 0	NOV. 9
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 9 to  
Com Rec Rep-2

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YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• President			• Clagett			• Key			• Robey, F. C.		
• Tawes	•		• Clarke, E. J.	•		• Kiefer	•		• Robie, K. L.	•	
• Clark, J.			• Cleveland	•		• Kirkland	•		• Rollins	•	
• James	•		• Dabrowski	•		• Koger	•		• Rosenstock	•	
• Abramson			• Darby	•		• Kosakowski	•		• Rush	•	
• Adkins			• Della	•		• Koss	•		• Rybczynski	•	
• Anderson	•		• Dorsey	•		• Leitzel	•		• Scanlan	•	
• Armor	•		• Dukes	•		• Linton	•		• Schloeder	•	
• Bamberger			• Dulany	•		• Lord	•		• Schneider	•	
• Bard	•		• Eckenrode	•		• Macdonald	•		• Sherbow	•	
• Barrick	•		• Finch	•		• Malkus	•		• Sickles	•	
• Baumann	•		• Fornos	•		• Marion	•		• Siewierski	•	
• Beachley	•		• Fox	•		• Mason	•		• Singer	•	
• Beall	•		• Frederick	•		• Maurer	•		• Smith, J. H.	•	
• Bennett			• Freedlander	•		• Mentzer	•		• Smith, M. H.	•	
• Blair	•		• Gallagher	•		• Miller, B.	•		• Sollins	•	
• Boileau	•		• Gilchrist	•		• Miller, E. J.	•		• Sosnowski	•	
• Borom	•		• Gill	•		• Mitchell	•		• Soul	•	
• Bothe	•		• Gleason	•		• Morgan	•		• Stern	•	
• Boyce	•		• Grant	•		• Moser	•		• Storm	•	
• Boyer			• Groh	•		• Mosner	•		• Sybert	•	
• Boyles	•		• Grumbacher	•		• Mudd	•		• Taylor, H. E.	•	
• Bradshaw			• Gullett	•		• Murphy	•		• Taylor, L.	•	
• Bryson			• Hanson	•		• Murray, D. S.	•		• Ulrich	•	
• Burdette	•		• Hardwick	•		• Murray, E. C.	•		• Vecera	•	
• Burgess	•		• Hargrove	•		• Needle	•		• Wagandt	•	
• Bushong	•		• Harkness	•		• Neilson	•		• Webb	•	
• Buzzell	•		• Harris	•		• Neumann	•		• Ritter	•	
• Byrnes	•		• Henderson	•		• Smith, A. W.	•		• Weidemeyer	•	
• Caldwell	•		• Hickman	•		• Pascal	•		• Wheatley	•	
• Cardin			• Hopkins	•		• Penniman	•		• White	•	
• Carson			• Hostetter	•		• Peters	•		• Willis	•	
• Case			• Hutchinson	•		• Powers	•		• Willoner	•	
• Chabot	•		• Jett	•		• Price	•		• Winslow	•	
• Child	•		• Johnson	•		• Pullen	•				
• Cicone			• Kahl	•		• Raley	•				

YEAS	N-V	NAYS
100-200	100-200	100-200
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1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
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RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
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NOV. 9  
DEC. 0





D

# Constitutional Convention

AMENDMENT NO. 10

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~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. RandP-2

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BY DELEGATE KIEFER

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1    On page 3 Section 7 Right to Sue State and  
2    Local Governments strike out all of lines 4  
3    through 9, inclusive, and insert in lieu  
4    thereof the following:  
5  
6    "The State, its instrumentalities and political  
7    subdivisions may be sued in the courts of  
8    the State to the extent and in the manner  
9    as may be provided by the General Assembly."

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 10 as amend  
ed to Com. Rec.  
Rep-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Kozer			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. O.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
100-200	100-200	100-200			JAN. 2
0 0	0 0	0 0	1000 100	10 1	3
1 1	1 1	1 1	2000 200	20 2	1
2 2	2 2	2 2	3000 300	30 3	2
3 3	3 3	3 3	4000 400	40 4	3
4 4	4 4	4 4	500 500	50 5	4
5 5	5 5	5 5	RESO. 600	60 6	5
6 6	6 6	6 6	2-R. 700	70 7	6
7 7	7 7	7 7	3-R. 800	80 8	SEPT. 7
8 8	8 8	8 8	QUO 900	90 9	OCT. 8
9 9	9 9	9 9	MCT. 000	00 0	NOV. 9
					DEC. 0



AK

# Constitutional Convention

AMENDMENT NO. 10a

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To Amendment No. 10

To Committee Recommendation No. RP-2

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BY DELEGATE CLAGETT

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1 On page 1 of the amendment in line 9 after  
2 the word "Assembly" add the words: "by public  
3 general laws".  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 10a to #10  
by Del. Clagett to  
Com. Rec. R & P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Clagett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. T.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
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3-R. 800	80 8
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DEC. 0



# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

To Amendment No. 11

To Committee Recommendation No. R&P-2

BY DELEGATE WAGANDT

1      On page 3 Section 7 Right to Sue State and  
2      Local Governments in line 8 after the word  
3      "by" add the words "public general".  
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# Constitutional Convention

AMENDMENT NO. 4

XXXXXXXXXXXXXXXXXXXXX  
To Amendment No.       

To Committee Recommendation No. R&P-2

BY DELEGATE SCANLAN

1     On page 3 Section 7. Right to Sue State and  
2     Local Governments strike out all of lines  
3     1 through 9, inclusive.  
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R

# Constitutional Convention

AMENDMENT NO. 12

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To Committee Recommendation No. R&P-2

BY DELEGATE SCANLAN

1 On page 3 Section 8. Right of Removal  
2 of Civil Cases strike out all of lines 11  
3 through 20, inclusive.

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63-A  
54-N



CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 12 to  
Com Rec. Rep-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Kozer			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2 R. 700	70 7
3 R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

DATE:
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



H

# Constitutional Convention

AMENDMENT NO. 13

~~XXXXXXXXXXXX~~ \_\_\_\_\_

To Committee Recommendation No. R&P-2

BY DELEGATE KIEFER

1 On page 3 Section 8 Right of Removal of  
2 Civil Cases strike out all of lines 14 through  
3 20, inclusive, and insert in lieu thereof the  
4 following:

5  
6 "In all actions at law, a party after sugges-  
7 tion under oath in writing that he cannot have  
8 a fair and impartial trial in the court in  
9 which the action is pending, the court shall  
10 order the action removed to another district or  
11 county for trial. The Court of Appeals by rule  
12 shall provide for reasonable regulation of  
13 this provision."  
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*Amended* *44 A* *80 H*





CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 13 as amend-1  
ed to Com Rec  
R&P-2 (amended by  
13c

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Claggett		•	Key		•	Robey, F. C.		•
Tawes		•	Clarke, E. J.		•	• Kiefer		•	Robie, K. L.		•
Clark, J.		•	Cleveland		•	• Kirkland		•	Rollins		•
James		•	Dabrowski		•	Kozer		•	• Rosenstock		•
Abramson		•	Darby		•	Kosakowski		•	• Rush		•
Adkins		•	Della	•		Koss	•		• Rybczynski		•
Anderson		•	Dorsey		•	Leitzel		•	Scanlan	•	•
Armor		•	Dukes		•	Linton		•	• Schloeder		•
Bamberger		•	Dulany		•	Lord		•	• Schneider		•
Bard	•		• Eckenrode		•	• Macdonald		•	Sherbow		•
Barrick		•	Finch		•	Malkus	•		Sickles		•
Baumann		•	Fornos		•	Marion		•	• Siewierski		•
• Beachley		•	Fox	•		Mason		•	• Singer		•
Beall		•	Frederick		•	• Maurer		•	• Smith, J. H.		•
• Bennett		•	Freedlander		•	Mentzer		•	Smith, M. H.	•	
Blair		•	Gallagher		•	• Miller, B.		•	• Sollins		•
Boileau		•	Gilchrist		•	• Miller, E. J.		•	Sosnowski		•
Borom		•	• Gill		•	• Mitchell		•	Soul		•
Bothe		•	• Gleason		•	Morgan		•	Stern		•
Boyce		•	• Grant		•	• Moser		•	Storm		•
Boyer		•	• Groh		•	• Mosner		•	• Sybert		•
Boyles	•		Grumbacher		•	• Mudd		•	Taylor, H. E.	•	•
Bradshaw		•	Gullett	•		Murphy		•	Taylor, L.	•	•
Bryson		•	Hanson		•	• Murray, D. S.		•	Ulrich	•	
• Burdette		•	Hardwicke		•	Murray, E. C.		•	• Vecera		•
• Burgess		•	Hargrove		•	Needle		•	Wagandt		•
• Bushong		•	Harkness		•	Neilson		•	Webb	•	
• Buzzell		•	Harris		•	Neumann		•	Ritter		•
Byrnes		•	• Henderson		•	Smith, A. W.		•	Weidemeyer		•
• Caldwell		•	Hickman		•	• Pascal		•	Wheatley		•
Cardin		•	• Hopkins		•	• Penniman		•	White		•
Carson		•	• Hostetter		•	Peters		•	Willis		•
Case		•	• Hutchinson		•	• Powers		•	• Willoner		•
• Chabot		•	Jett		•	Price	•		Winslow		•
Child	•		Johnson		•	• Pullen		•			
• Cicone		•	Kahl		•	• Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



W

# Constitutional Convention

AMENDMENT NO. 13(a)

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE MACDONALD

1 On page 3 Section 8 Right of Removal of  
2 Civil Cases strike out all of lines 14 through  
3 20, inclusive, and insert in lieu thereof  
4 the following:

5  
6 "In all actions at law or in equity, the  
7 action shall be removed to another county  
8 upon request of a party, except that in  
9 actions involving real property, actions in  
10 the District Court, and all actions where  
11 the request is made less than thirty days  
12 prior to trial, the action may be removed  
13 only as permitted by the Court of Appeals  
14 by rule."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 13a to #13  
to Com. Rec. Rev-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• President			• Clagett		•	• Key	•		• Robey, F. C.		
• Tawes	•		• Clarke, E. J.		•	• Kiefer		•	• Robie, K. L.		
• Clark, J.		•	• Cleveland	•		• Kirkland			• Rollins		•
• James		•	• Dabrowski		•	• Koger			• Rosenstock		•
• Abramson		•	• Darby		•	• Kosakowski		•	• Rush		•
• Adkins			• Della	•		• Koss	•		• Rybczynski		
• Anderson		•	• Dorsey			• Leitzel			• Scanlan		•
• Armor	•		• Dukes			• Linton			• Schloeder		•
• Bamberger		•	• Dulany			• Lord		•	• Schneider		•
• Bard	•		• Eckenrode			• Macdonald			• Sherbow		•
• Barrick		•	• Finch			• Malkus		•	• Sickles		•
• Baumann		•	• Fornos	•		• Marion			• Siewierski		•
• Beachley		•	• Fox	•		• Mason			• Singer		•
• Beall	•		• Frederick		•	• Maurer			• Smith, J. H.		
• Bennett		•	• Freedlander		•	• Mentzer			• Smith, M. H.		
• Blair		•	• Gallagher			• Miller, B.		•	• Sollins		
• Boileau		•	• Gilchrist		•	• Miller, E. J.			• Sosnowski		
• Borom		•	• Gill			• Mitchell			• Soul		
• Bothe		•	• Gleason			• Morgan			• Stern		
• Boyce		•	• Grant			• Moser			• Storm		
• Boyer	•		• Groh		•	• Mosner	•		• Sybert		•
• Boyles	•		• Grumbacher			• Mudd		•	• Taylor, H. E.		•
• Bradshaw			• Gullett			• Murphy		•	• Taylor, L.		•
• Bryson			• Hanson		•	• Murray, D. S.			• Ulrich	•	
• Burdette			• Hardwick	•		• Murray, E. C.			• Vecera		
• Burgess			• Hargrove		•	• Needle		•	• Wagandt		
• Bushong	•		• Harkness		•	• Neilson		•	• Webb	•	
• Buzzell		•	• Harris		•	• Neumann			• Ritter	•	
• Byrnes		•	• Henderson		•	• Smith, A. W.		•	• Weidemeyer		
• Caldwell			• Hickman			• Pascal		•	• Wheatley		
• Cardin		•	• Hopkins			• Penniman			• White		•
• Carson			• Hostetter		•	• Peters	•		• Willis		•
• Case		•	• Hutchinson		•	• Powers			• Willoner	•	
• Chabot			• Jett	•		• Price		•	• Winslow		
• Child	•		• Johnson		•	• Pullen		•			
• Cicone			• Kahl	•		• Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
1000 100	10 1
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4000 400	40 4
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RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

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OCT.	8
NOV.	9
DEC.	0





# Constitutional Convention

AMENDMENT NO. 13(b)

~~Texas Constitution~~ \_\_\_\_\_

To Committee Recommendation No. R&P-2

BY DELEGATE MOSER`

1 On page 3 strike out all of Section 8 Right  
2 of Removal of Civil Cases comprising lines 11  
3 through 20, inclusive; and insert in lieu  
4 thereof the following:

5  
6 "Section 8. Right of Removal of Cases

7  
8 The Court of Appeals by rule or the General  
9 Assembly by law shall provide for the right of  
10 removal of cases in the trial courts."

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 13b to  
Com Rec R-10-2

2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. O.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
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RESO. 600	60 6
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3-R. 800	80 8
QUO. 900	90 9
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DEC 31



# Constitutional Convention

AMENDMENT NO. ~~13B~~ 13C

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AS SUBSTITUTE FOR

~~To~~ Amendment No. 13

To Committee Recommendation No. R&P-2

---

BY DELEGATE MOSER

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1 On page 3, insert the following, beginning in  
2 line 11:

3  
4 "Section 8. Right of Removal of Civil Cases.

5  
6 In the trial of civil cases, there shall be a  
7 right of removal to the extent and under such terms  
8 and conditions as shall be prescribed by the Court  
9 of Appeals by rule or the General Assembly by law.

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Note on the substitution of 13C for 13B to Com Rec R&P-2

CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claquet	●		● Key		●	● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland	●		● Kirkland		●	● Rollins		
● James			● Dabrowski		●	● Koger			● Rosenstock		
● Abramson			● Darby			● Kosakowski		●	● Rush		●
● Adkins			● Della	●		● Koss		●	● Rybczynski		●
● Anderson		●	● Dorsey		●	● Leitzel		●	● Scanlan		
● Armor			● Dukes		●	● Linton		●	● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider		
● Bard	●		● Eckenrode			● Macdonald		●	● Sherbow		
● Barrick			● Finch		●	● Malkus	●		● Sickles		
● Baumann			● Fornos			● Marion			● Siewierski		
● Beachley		●	● Fox	●		● Mason			● Singer		
● Beall			● Frederick		●	● Maurer			● Smith, J. H.		
● Bennett			● Freedlander		●	● Mentzer			● Smith, M. H.		
● Blair		●	● Gallagher			● Miller, B.			● Sollins		
● Boileau		●	● Gilchrist			● Miller, E. J.			● Sosnowski		●
● Borom		●	● Gill		●	● Mitchell		●	● Soul		●
● Bothe		●	● Gleason		●	● Morgan			● Stern		●
● Boyce			● Grant		●	● Moser			● Storm		●
● Boyer		●	● Groh		●	● Mosner			● Sybert		
● Boyles	●		● Grumbacher			● Mudd			● Taylor, H. E.		●
● Bradshaw			● Gullett	●		● Murphy			● Taylor, L.		●
● Bryson			● Hanson			● Murray, D. S.			● Ulrich	●	
● Burdette		●	● Hardwicke			● Murray, E. C.		●	● Vecera		●
● Burgess			● Hargrove	●		● Needle		●	● Wagandt		
● Bushong	●		● Harkness			● Neilson		●	● Webb	●	
● Buzzell			● Harris			● Neumann		●	● Ritter		●
● Byrnes			● Henderson			● Smith, A. W.		●	● Weidemeyer		●
● Caldwell			● Hickman		●	● Pascal			● Wheatley		●
● Cardin			● Hopkins			● Penniman			● White		●
● Carson			● Hostetter			● Peters		●	● Willis		
● Case			● Hutchinson		●	● Powers			● Willoner		
● Chabot			● Jett			● Price	●		● Winslow		
● Child		●	● Johnson		●	● Pullen					
● Cicone			● Kahl		●	● Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



E

# Constitutional Convention

AMENDMENT NO. 14

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. ~~RandP~~-2

BY DELEGATE KIEFER

1 On page 3 strike out all of Section 9  
2 Economic Opportunity comprising lines 22  
3 through 30, inclusive, and insert in lieu  
4 thereof the following:

5  
6 "Section 9. General Welfare of the  
7 People

8 It is the policy of the State that all  
9 persons shall have economic security and the  
10 opportunity for employment, in order that  
11 they may live in decency, dignity, and health.  
12 The General Assembly shall continue to imple-  
13 ment this policy."  
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97-A

13-N



CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 17  
Com. Rec. 17-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett		●	● Key			● Rohay, F. C.		
● Tawes			● Clarke, E. J.		●	● Kiefer			● Pabst, R. C.		
● Clark, J.			● Cleveland			● Kirkland			● Pollins		
● James			● Dabrowski			● Koger	●		● Rosendahl		
● Abramson			● Darby			● Kosakowski			● Ryan		
● Adkins	●		● Della	●		● Koss			● Schaefer		
● Anderson		●	● Dorsey			● Leitzel			● Schlander		
● Armor			● Dukes	●		● Linton			● Schneider		
● Bamberger			● Dulany			● Lord	●		● Sherrill		
● Bard	●		● Eckenrode			● Macdonald			● Sichel		
● Barrick			● Finch			● Malkus			● Spenser		
● Baumann			● Fornos	●		● Marion			● Stapp		
● Beachley			● Fox	●		● Mason			● Smith, J. L.		
● Beall			● Frederick			● Maurer			● Smith, M. H.		
● Bennett			● Freedlander			● Mentzer			● Solth		
● Blair	●		● Gallagher			● Miller, B.			● Sommers		
● Boileau	●		● Gilchrist			● Miller, E. O.			● Soul		
● Borom			● Gill			● Mitchell			● Spaul		
● Bothe			● Gleason			● Morgan			● Stapp		
● Boyce			● Grant			● Moser			● Stapp		
● Boyer			● Groh			● Mosner			● Suber		
● Boyles	●		● Grumbacher			● Mudd			● Taylor, H. J.		
● Bradshaw			● Gullett	●		● Murphy			● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.	●		● Ulrich	●	
● Burdette			● Hardwicke		●	● Murray, E. C.	●		● Verina	●	
● Burgess			● Hargrove	●		● Needle			● Weyandt		
● Bushong	●		● Harkness			● Neilson	●		● Whit		
● Buzzell			● Harris	●		● Neumann			● Wiedmeyer		
● Byrnes			● Henderson			● Smith, A. W.			● Wootton		
● Caldwell			● Hickman			● Pascal	●		● White		
● Cardin			● Hopkins			● Penniman			● Willis		
● Carson			● Hostetter			● Peters			● Wilner		
● Case			● Hutchinson			● Powers			● Winlow		
● Chabot			● Jett			● Price	●				
● Child			● Johnson			● Pullen					
● Cicone		●	● Kahl		●	● Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
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7 7	7 7	7 7
8 8	8 8	8 8
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

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# Constitutional Convention

AMENDMENT NO. 15

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE SCANLAN

1 On page 3 strike out all of Section 9.  
 2 Economic Opportunity comprising lines 22  
 3 through 30, inclusive. *as amended by Amendment*

*14,*  
*WJ*

*41 A 72 A*  
*72 N 48 N*

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 15 to  
Com Rec Rpt-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			● Clagett			Key			Robey, F. C.		
Tawes			● Clarke, E. J.			Kiefer			● Robie, K. L.		
● Clark, J.			Cleveland			Kirkland			● Rollins		
● James			Dabrowski		●	● Koger			Rosenstock		●
Abramson			● Darby			Kosakowski		●	● Rush		
● Adkins			Della	●		Koss	●		● Rybczynski		
● Anderson			Dorsey		●	● Leitzel			● Scanlan		
● Armor			Dukes		●	Linton	●		Schloeder		●
Bamberger		●	● Dulany			Lord	●		● Schneider		
Bard	●		Eckenrode		●	● Macdonald			● Sharbow		
● Barrick			Finch	●		● Malkus			● Siewierski		●
● Baumann			● Fornos			● Marion			● Singer		●
Beachler		●	Fox	●		Mason		●	● Smith, J. H.		
● Beall			Frederick		●	● Maurer			● Smith, M. H.		
Bennett		●	Freedlander			● Mentzer			Sollins		●
Blair	●		Gallagher		●	Miller, B.		●	● Sosnowski		
Boileau		●	Gilchrist			Miller, E. C.			● Soul		
Borom		●	Gill		●	Mitchell		●	● Stern		
Bothe	●		Gleason			Morgan		●	Storm		●
● Boyce			Grant		●	● Moser			● Sybert		
Boyer	●		● Groh			Mosner		●	● Taylor, H. E.		
● Boyles			Grumbacher			● Mudd			Taylor, L.		●
● Bradshaw			Gullett	●		Murphy		●	Ulrich	●	
● Bryson			● Hanson			● Murray, D. S.			Vegara		●
● Burdette			Hardwicke		●	● Murray, E. C.			Wagandt		
Burgess		●	Hargrove			Needle		●	Webb	●	
Bushong	●		● Harkness			● Neilson			Ritter	●	
● Buzzell			Harris	●		● Neumann			● Weidemeyer		
Byrnes		●	● Henderson			● Smith, A. W.			Wheatley		
Caldwell		●	● Hickman			● Pascal			White		●
● Cardin			● Hopkins			● Penniman			● Willis		
Carson		●	● Hostetter			● Peters			Willoner	●	
● Case			● Hutchinson			● Powers			Winslow		
Chabot		●	● Jett			Price	●				
● Child			● Johnson			Pullen		●			
● Cicone			● Kahl			Raley		●			

YEAS  
100-200  
0 0  
1 1  
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N-V  
100-200  
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NAYS  
100-200  
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DEL. PRO  
1000 100  
2000 200  
3000 300  
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RESO. 600  
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3 R 800  
QUO 900  
MGT. 000

COM. REC.  
10 1  
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70 7  
80 8  
90 9  
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SEPT. 7  
OCT. 8  
NOV. 9  
DEC. 0



F

# Constitutional Convention

AMENDMENT NO. 16

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BOTHE, BENNETT, BAMBERGER, BRADSHAW  
BY DELEGATES BYRNES, DULANEY, GALLAGHER, HANSON  
HENDERSON, HOPKINS, JOHNSON, KOSS, LORD, MACDONALD  
MARION, MORGAN, MOSER, MOSNER, POWERS, SCANLAN  
SCHNIEDER, SHERBOW, WINSLOW

On page 3 Section 10 Criminal Jury, Judge  
of Law and Fact strike out all of lines 32  
through 39, inclusive, comprising all of  
Section 10.

68-A

46-N

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 16 to  
Com Rec R-P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Kozer			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. T.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0	0	0
1	1	1
2	2	2
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DEL. PRO.	COM. REC.
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4000	400
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RESO.	600
2-R.	700
3-R.	800
QUO.	900
MOT.	000

DATE:	1
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SEPT.	7
OCT.	8
NOV.	9
DEC.	0



CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Motion to reconsider  
the vote by which  
Amend 16 to R.P.-2  
was adopted.

YEAS	N-V	NAYS
President		
Tawes		
Clark, J.		
James		
Abramson		
Adkins		
Anderson		
Armor		
Bamberger		
Bard		
Barrick		
Baumann		
Beachley		
Beall		
Bennett		
Blair		
Boileau		
Borom		
Bothe		
Boyce		
Boyer		
Boyles		
Bradshaw		
Bryson		
Burdette		
Burgess		
Bushong		
Buzzell		
Byrnes		
Caldwell		
Cardin		
Carson		
Case		
Chabot		
Child		
Cicone		

YEAS	N-V	NAYS
Claggett		
Clarke, E. J.		
Cleveland		
Dabrowski		
Darby		
Della		
Dorsey		
Dukes		
Dulany		
Eckenrode		
Finch		
Fornos		
Fox		
Frederick		
Freedlander		
Gallagher		
Gilchrist		
Gill		
Gleason		
Grant		
Groh		
Grumbacher		
Gullett		
Hanson		
Hardwick		
Hargrove		
Harkness		
Harris		
Henderson		
Hickman		
Hopkins		
Hostetter		
Hutchinson		
Jett		
Johnson		
Kahl		

YEAS	N-V	NAYS
Key		
Kiefer		
Kirkland		
Kozer		
Kosakowski		
Koss		
Leitzel		
Linton		
Lord		
Macdonald		
Malkus		
Marion		
Mason		
Maurer		
Mentzer		
Miller, B.		
Miller, E. J.		
Mitchell		
Morgan		
Moser		
Mosner		
Mudd		
Murphy		
Murray, D. S.		
Murray, E. C.		
Needle		
Neilson		
Neumann		
Smith, A. W.		
Pascal		
Penniman		
Peters		
Powers		
Price		
Pullen		
Raley		

YEAS	N-V	NAYS
Robey, F. C.		
Robie, K. L.		
Rollins		
Rosenstock		
Rush		
Rybczynski		
Scanlan		
Schloeder		
Schneider		
Sherbow		
Sickles		
Siewierski		
Singer		
Smith, J. H.		
Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm		
Sybert		
Taylor, H. E.		
Taylor, L.		
Ulrich		
Vecera		
Wagandt		
Webb		
Ritter		
Weidemeyer		
Wheatley		
White		
Willis		
Willoner		
Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
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YEAS	N-V	NAYS
100-200	100-200	100-200
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YEAS	N-V	NAYS
100-200	100-200	100-200
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DEL. PRO.	COM. REC.
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RESO.	600
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3-R.	800
QUO.	900
MOT.	000

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SEPT.	7	
OCT.	8	
NOV.	9	
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AQ

# Constitutional Convention

AMENDMENT NO. 17

~~TO BE APPROVED BY THE CONVENTION~~

To Committee Recommendation No. R&P-2

BY DELEGATES 

Bothe, Willoner.

1 On page 3 strike out all of Section 11  
2 Grand Jury Indictment as a Right of the  
3 Accused comprising lines 41 through 49,  
4 inclusive.

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 17 to

Com Rec RRP-2

2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• President			• Claagett			Key		•	• Robey, F. C.		
Tawes		•	• Clarke, E. J.			Kiefer		•	• Robie, K. L.		•
Clark, J.		•	Cleveland			Kirkland		•	Rollins		•
• James			Dabrowski			Koer	•		Rosenstock		•
Abrams	•		Darby		•	Kosakowski		•	Rush		•
Adkins	•		Della	•		Koss		•	Rybicki		•
Anderson	•		Dorsey		•	Leitzel		•	• Scanlan		
Armor	•		Dukes		•	• Linton			• Schloeder		
• Bamberger			• Dulany			• Lord			Schneider		•
Bard	•		Eckenrode		•	• Macdonald			Sherbow		•
Barrick		•	Finch		•	Malkus		•	Sickles		•
Baumano			Fornos	•		• Marion			• Siewierski		
Beachley		•	Fox	•		• Mason			• Singer		
Beall	•		Frederick			• Maurer	•		• Smith, J. H.		
• Bennett			• Freedlander			• Mentzer			Smith, M. H.		•
Blair	•		• Gallagher			• Miller, B.			• Sollins		
• Boileau			• Gilchrist			Miller, E. J.			Sosnowski		•
• Borom			Gill		•	Mitchell		•	Soul		•
• Bothe			Gleason	•		• Morgan			• Stern		
Boyce	•		Grant		•	Moser		•	Storm		•
• Boyer			Groh		•	Mosner		•	• Sybert		
Boyles		•	Grumbacher			• Mudd			Taylor, H. E.		
• Bradshaw			Gullett	•		Murphy	•		Taylor, L.		•
• Bryson			• Hanson			Murray, D. S.		•	Ulrich		•
Burdette		•	• Hardwicke			Murray, E. C.		•	Vecera	•	
Burgess	•		Hargrove			Needle		•	Wagandt		•
Bushong	•		• Harkness			Neilson		•	Webb	•	
Buzzell		•	Harris	•		Neumann		•	Ritter		•
• Byrnes			• Henderson			Smith, A. W.			Weidemeyer		•
• Caldwell			Hickman		•	Pascal		•	Wheatley		•
• Cardin			• Hopkins			• Penniman			White		•
Carson		•	Hostetter		•	Peters		•	• Willis		
• Case			Hutchinson		•	• Powers			• Willoner		
Chabot		•	Jett		•	Price	•		• Winslow		
Child		•	Johnson		•	Pullen		•			
• Cicone			Kahl		•	Raley		•			

YEAS	N-V	NAYS
100-200	100-200	100-200
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DEL. PRO.	COM. REC.
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4000 400	40 4
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AR

# Constitutional Convention

AMENDMENT NO. 18

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATES CARSON, HARDWICKE

1 On page 3 Section 11 Grand Jury Indictment  
2 as a Right of the Accused strike out all of  
3 lines 44 through 49, inclusive, and insert in  
4 lieu thereof the following:  
5  
6 "No person shall be held to answer for a  
7 capital ~~or otherwise infamous crime~~ unless on  
8 indictment of a grand jury, except in cases  
9 arising in the militia while in actual service"

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 18 to  
Com Rec R-P-2

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YEAS N-V NAYS

● President  
● Tawes  
● Clark, J.  
● James  
● Abramson  
● Adkins  
● Anderson  
● Armor  
● Bamberger  
● Bard  
● Barrick  
● Baumann  
● Beachley  
● Beall  
● Bennett  
● Blair  
● Boileau  
● Borom  
● Bothe  
● Boyce  
● Boyer  
● Boyles  
● Bradshaw  
● Bryson  
● Burdette  
● Burgess  
● Bushong  
● Buzzell  
● Byrnes  
● Caldwell  
● Cardin  
● Carson  
● Case  
● Chabot  
● Child  
● Cicone

YEAS N-V NAYS

● Claggett  
● Clarke, E. J.  
● Cleveland  
● Dabrowski  
● Darby  
● Della  
● Dorsey  
● Dukes  
● Dulany  
● Eckenrode  
● Finch  
● Fornos  
● Fox  
● Frederick  
● Freedlander  
● Gallagher  
● Gilchrist  
● Gill  
● Gleason  
● Grant  
● Groh  
● Grumbacher  
● Gullett  
● Hanson  
● Hardwicke  
● Hargrove  
● Harkness  
● Harris  
● Henderson  
● Hickman  
● Hopkins  
● Hostetter  
● Hutchinson  
● Jett  
● Johnson  
● Kahl

YEAS N-V NAYS

● Key  
● Kiefer  
● Kirkland  
● Koger  
● Kosakowski  
● Koss  
● Leitzel  
● Linton  
● Lord  
● Macdonald  
● Malkus  
● Marion  
● Mason  
● Maurer  
● Mentzer  
● Miller, B.  
● Miller, E. J.  
● Mitchell  
● Morgan  
● Moser  
● Mosner  
● Mudd  
● Murphy  
● Murray, D. S.  
● Murray, E. C.  
● Needle  
● Neilson  
● Neumann  
● Smith, A. W.  
● Pascal  
● Penniman  
● Peters  
● Powers  
● Price  
● Pullen  
● Raley

YEAS N-V NAYS

● Robey, F. C.  
● Robie, K. L.  
● Rollins  
● Rosenstock  
● Rush  
● Rybczynski  
● Scanlan  
● Schloeder  
● Schneider  
● Sherbow  
● Sickles  
● Siewierski  
● Singer  
● Smith, J. H.  
● Smith, M. H.  
● Sollins  
● Sosnowski  
● Soul  
● Stern  
● Storm  
● Sybert  
● Taylor, H. E.  
● Taylor, L.  
● Ulrich  
● Vecera  
● Wagandt  
● Webb  
● Ritter  
● Weidemeyer  
● Wheatley  
● White  
● Willis  
● Willoner  
● Winslow

YEAS

100-200

N-V

100-200

NAYS

100-200

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3000	300	30	3
4000	400	40	4
	500	50	5
RESO.	600	60	6
2-R.	700	70	7
3-R.	800	80	8
QUO.	900	90	9
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Motion to reconsider the  
votes by which Amend 18  
was adopted and #17 to  
Rep-2 was rejected.

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key			Robey, F. C.		
Tawes	●		Clarke, E. J.	●		Kiefer	●		Robie, K. L.	●	
Clark, J.	●		Cleveland	●		Kirkland			Rollins	●	
James	●		Dabrowski	●		Kozer	●		Rosenstock	●	
● Abramson			Darby	●		Kosakowski	●		Rush	●	
Adkins	●		Della	●		Koss	●		Rybczynski	●	
Anderson	●		Dorsey	●		Leitzel	●		● Scanlan		
Armor	●		Dukes	●		Linton			● Schloeder		
● Bamberger			● Dulany			● Lord			Schneider	●	
Bard	●		Eckenrode	●		Macdonald	●		Sherbow	●	
Barrick	●		Finch	●		Malkus	●		● Sickles		
Baumann	●		Fornos	●		Marion			● Siewierski		
Beachley	●		Fox	●		Mason	●		● Singer		
Beall	●		Frederick	●		Maurer			Smith, J. H.	●	
● Bennett			Freedlander			● Mentzer			Smith, M. H.	●	
● Blair			● Gallagher			● Miller, B.			● Sollins		
● Boileau			Gilchrist	●		● Miller, E. T.			Sosnowski	●	
● Borom			Gill		●	● Mitchell			Soul	●	
● Bothe			Gleason	●		Morgan	●		● Stern		
● Boyce			Grant	●		Moser			Storm	●	
Boyer	●		Groh	●		Mosner	●		Sybert	●	
Boyles	●		● Grumbacher			Mudd	●		Taylor, H. E.	●	
● Bradshaw			Gullett	●		Murphy	●		Taylor, L.	●	
● Bryson			● Hanson			Murray, D. S.	●		● Ulrich		
Burdette	●		Hardwick	●		Murray, E. C.	●		Vecera	●	
● Burgess			● Hargrove			● Needle			● Wagandt		
Bushong	●		Harkness	●		● Neilson			Webb	●	
Buzzell	●		● Harris			Neumann	●		Ritter	●	
Byrnes	●		● Henderson			Smith, A. W.	●		Weidemeyer	●	
Caldwell	●		Hickman	●		Pascal	●		Wheatley	●	
Cardin	●		Hopkins	●		Penniman	●		White	●	
Carson	●		Hostetter	●		Peters			Willis	●	
● Case			Hutchinson	●		Powers	●		● Willoner		
Chabot	●		● Jett			Price	●		● Winslow		
Child	●		● Johnson			Pullen	●				
Cicone	●		Kahl	●		Raley	●				

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
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AN

# Constitutional Convention

AMENDMENT NO. 19

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATES KIEFER, WILLONER

1 On page 4 Section 12 Right of Removal of  
2 Criminal Cases strike out all of lines 4  
3 through 8, inclusive, and insert in lieu  
4 thereof the following:

5  
6 "In cases punishable by death or life  
7 imprisonment after suggestion under oath in  
8 writing of either of the parties that such  
9 party cannot have a fair and impartial trial  
10 in the court where the case may be pending,  
11 that court shall order the case removed to  
12 another county for trial. All other criminal  
13 cases may be removed only as permitted by  
14 the Court of Appeals by rule or the General  
15 Assembly by law."

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 19 to  
Com Rec R-P-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claiborne			● Key			● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robin, K. L.		
● Clark			● Cleveland			● Kirkland			● Pollack		
● James			● Dabrowski			● Koger			● Rosenstock		
● Abrams			● Darby			● Kosakowski			● Ruch		
● Adkins			● Della			● Koss			● Rybczynski		
● Anderson			● Dorsey			● Leitzel			● Scanlan		
● Barr			● Dukes			● Linton			● Schloeder		
● Baumgardner			● Dulany			● Lord			● Schneider		
● Beard			● Eckenrode			● MacDonald			● Sherbow		
● Beane			● Finch			● Malkus			● Sickles		
● Beaman			● Fornos			● Marion			● Siewierski		
● Beach			● Fox			● Mason			● Singer		
● Beall			● Frederick			● Maurer			● Smith, J. H.		
● Bennett			● Freedlander			● Mentzer			● Smith, M. H.		
● Berry			● Gallagher			● Miller, B.			● Sollins		
● Beileau			● Gilchrist			● Miller, E. C.			● Sosnowski		
● Borom			● Gill			● Mitchell			● Soul		
● Botter			● Gleason			● Morgan			● Stern		
● Boyce			● Grant			● Moser			● Storm		
● Boyer			● Groh			● Mosner			● Sybert		
● Boyler			● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett			● Murphy			● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.			● Ulrich		
● Burdette			● Hardwicke			● Murray, E. C.			● Vecera		
● Burge			● Hargrove			● Needle			● Wagandt		
● Bushong			● Harkness			● Neilson			● Webb		
● Butts			● Harris			● Neumann			● Ritter		
● Byrd			● Henderson			● Smith, A. W.			● Weidemeyer		
● Calkins			● Hickman			● Pascal			● Wheatley		
● Cardin			● Hopkins			● Penniman			● White		
● Carter			● Hostetter			● Peters			● Willis		
● Carr			● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett			● Price			● Winslow		
● Child			● Johnson			● Pullen					
● Cicon			● Kahl			● Raley					

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DEC 31





# Constitutional Convention

AMENDMENT NO. 20

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE SCANLAN

1 On page 4 Section 13. Imprisonment for  
2 Debt strike out all of lines 10 through  
3 19, inclusive.

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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 20 to  
Com Rec Rep-2

2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Clagett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwicke			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
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DEL. PRO.	COM. REC.
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	50 5
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OCT. 8
NOV. 9
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# Constitutional Convention

AMENDMENT NO. 21

~~XXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE GALLAGHER

1 On page 4 following line 19 of Section 13  
2 Imprisonment for Debt add the following new  
3 Section:  
4  
5 "Section 14. Legislative and Executive  
6 Investigations  
7  
8 No person's right to fair and just treatment  
9 in the course of legislative and executive  
10 investigations shall be infringed."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend 21 to  
R & P-2

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YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claett			Key	●		● Robey, F. C.		
● Tawes			● Clarke, E. J.			● Kiefer			● Robie, K. L.		
● Clark, J.			● Cleveland			● Kirkland			● Rollins		
● James			● Dabrowski			● Koger	●		● Rosenstock		
● Abramson			● Darby			● Kosakowski			● Rush		
● Adkins	●		● Della	●		● Koss			● Rybczynski		
● Anderson			● Dorsey			● Leitzel			● Scanlan		
● Armor	●		● Dukes	●		● Linton			● Schloeder		
● Bamberger			● Dulany			● Lord			● Schneider	●	
● Bard			● Eckenrode			● MacDonald			● Sherbow		
● Barrick			● Finch			● Malin	●		● Sickles		
● Baumann	●		● Fornos	●		● Marlen			● Siewierski		
● Beachley			● Fox	●		● Mason			● Singer		
● Beall			● Frederick	●		● Maurer			● Smith, J. H.	●	
● Bennett			● Freedlander			● Montzer			● Smith, M. H.		
● Blair	●		● Gallagher			● Miller, B.			● Sollins		
● Boileau			● Gilchrist			● Miller, E. J.			● Sosnowski	●	
● Borom	●		● Gill			● Mitchell			● Soul		
● Bothe			● Gleason	●		● Morgan			● Stern		
● Boyce	●		● Grant			● Moser			● Storm		
● Boyer			● Groh			● Mosner	●		● Sybert	●	
● Boyles			● Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			● Gullett	●		● Murphy	●		● Taylor, L.		
● Bryson			● Hanson			● Murray, D. S.			● Ulrich	●	
● Burdette			● Hardwicke			● Murray, E. C.			● Vecera	●	
● Burgess	●		● Hargrove			● Needle			● Wagandt	●	
● Bushong	●		● Harkness			● Neilson			● Webb	●	
● Buzzell			● Harris			● Neumann			● Ritter	●	
● Byrnes			● Henderson			● Smith, A. W.			● Weidemeyer	●	
● Caldwell			● Hickman		●	● Pascal	●		● Wheatley	●	
● Cardin	●		● Hopkins			● Penniman			● White		
● Carson	●		● Hostette			● Peters			● Willis		
● Case			● Hutchinson			● Powers			● Willoner		
● Chabot			● Jett		●	● Price	●		● Winslow		
● Child			● Johnson		●	● Pullen					
● Cicone			● Kahl		●	● Raley		●			

YEAS	N-V	NAYS
100-200	100-200	100-200
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2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100
2000	200
3000	300
4000	400
	500
RESO.	600
2-R.	700
3 R.	800
QUO	900
MOT.	000

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SEPT.	7
OCT.	8
NOV.	9
DEC.	0



AO

# Constitutional Convention

AMENDMENT NO. 22

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE MACDONALD

1 On page 3 Section 7. Right to Sue State  
2 and Local Governments in line 9 after the  
3 period add this new sentence:  
4  
5 "Any law enacted by the General Assembly  
6 pursuant to this section shall be a public  
7 general law."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 22 to  
Com. Rec. REP-2

YEAS	N-V	NAYS
● President		
● Tawes		
● Clark, J.	• Aye	
● James		
● Abramson		
● Adkins		
● Anderson		
● Armor		
● Bamberger		
● Bard		
● Barrick	•	
● Baumann		
● Beachley		
● Beall	•	
● Bennett		
● Blair		
● Boileau		•
● Borom		
● Bothe		
● Boyce	•	
● Boyer	•	
● Boyles	•	
● Bradshaw		
● Bryson		
● Burdette		•
● Burgess	•	
● Bushong	•	
● Buzzell		
● Byrnes		
● Caldwell		
● Cardin	•	
● Carson		
● Case		
● Chabot		
● Child		
● Cicone		

YEAS	N-V	NAYS
● Claquet		
● Clarke, E. J.		
● Cleveland		
● Dabrowski		
● Darby		
● Della	•	
● Dorsey		
● Dukes		
● Dulany		
● Eckenrode		
● Finch	•	
● Fornos		
● Fox		•
● Frederick	•	
● Freedlander		
● Gallagher		
● Gilchrist		
● Gill		
● Gleason	•	
● Grant	•	
● Groh		
● Grumbacher		
● Gullett		
● Hanson	•	
● Hardwicke		•
● Hargrove	•	
● Harkness		
● Harris		
● Henderson		
● Hickman		
● Hopkins		
● Hostetter		
● Hutchinson		
● Jett		
● Johnson		
● Kahl	•	

YEAS	N-V	NAYS
● Key	•	
● Kiefer		
● Kirkland		
● Koger	•	
● Kosakowski		
● Koss		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
● Malkus	•	
● Marion		
● Mason		
● Maurer		
● Mentzer		
● Miller, B.		
● Miller, E. T.		
● Mitchell		
● Morgan		
● Moser		
● Mosner		
● Mudd		
● Murphy	•	
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
● Pascal	•	
● Penniman		
● Peters		
● Powers		
● Price		
● Pullen		
● Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
● Rollins		
● Rosenstock		
● Rush		
● Rybczynski		
● Scanlan	•	
● Schloeder		
● Schneider		•
● Sherbow	•	
● Sickles	•	
● Siewierski	•	
● Singer		
● Smith, J. H.		
● Smith, M. H.		
● Sollins	•	
● Sosnowski		
● Soul		
● Stern		
● Storm		
● Sybert		
● Taylor, H. E.		
● Taylor, L.		
● Ulrich		
● Vecera	•	
● Wagandt		
● Webb		
● Ritter		
● Weidemeyer		
● Wheatley	•	
● White		
● Willis		
● Willoner		
● Winslow		

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YEAS	N-V	NAYS
100-200	100-200	100-200
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2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.	DATE:
1000 100	10 1	JAN. 2
2000 200	20 2	3
3000 300	30 3	1
4000 400	40 4	2
	50 5	3
RESO. 600	60 6	4
2-R. 700	70 7	5
3-R. 800	80 8	6
QUO. 900	90 9	SEPT. 7
MOT. 000	00 0	OCT. 8
		NOV. 9
		DEC. 0





AP

# Constitutional Convention

AMENDMENT NO. 23

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATES MORGAN, E.J. CLARKE, BAMBERGER

1 On page 3 immediately preceding line 32  
2 of Section 10 Criminal Jury, Judge of Law  
3 and Fact add the following new section:  
4  
5 "Section \_\_\_\_ . General Welfare of the People.  
6 It is the policy of the State to promote  
7 the general welfare by providing, among other  
8 things, wherever practicable, opportunity  
9 for employment for all persons in order that  
10 they shall have economic security and may  
11 live in decency, dignity, and health."  
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46 A  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Vote to receive  
Amend 23 as to whether  
it is in order

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		•	Clagett		•	Key			Robey, F. C.		
Tawes		•	Clarke, E. J.			Kiefer			Robie, K. L.		•
Clark, J. • No			Cleveland			Kirkland			Rollins		•
James		•	Dabrowski			Koger	•		Rosenstock		•
Abramson		•	Darby		•	Kosakowski			Rush		•
Adkins		•	Della	•		Koss			Rybczynski		•
Anderson		•	Dorsey		•	Leitzel		•	Scanlan	•	
Armor		•	Dukes			Linton		•	Schloeder		
Bamberger			Dulany		•	Lord			Schneider		•
Bard			Eckenrode		•	Macdonald		•	Sherbow		•
Barrick	•		Finch	•		Malkus	•		Sickles	•	
Baumann		•	Fornos		•	Marion			Siewierski		
Beachley			Fox		•	Mason			Singer		
Beall	•		Frederick	•		Maurer			Smith, J. H.		•
Bennett			Freedlander		•	Mentzer		•	Smith, M. H.		•
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist		•	Miller, E. J.			Sosnowski		•
Borom			Gill			Mitchell			Soul		•
Bothe	•		Gleason	•		Morgan			Stern		•
Boyce	•		Grant	•		Moser	•		Storm		•
Boyer	•		Groh		•	Mosner		•	Sybert		•
Boyles	•		Grumbacher			Mudd			Taylor, H. E.		•
Bradshaw		•	Gullett			Murphy	•		Taylor, L.		•
Bryson		•	Hanson	•		Murray, D. S.		•	Ulrich		•
Burdette			Hardwicke			Murray, E. C.		•	Vecera	•	
Burgess	•		Hargrove	•		Needle			Wagandt	•	
Bushong	•		Harkness		•	Neilson		•	Webb		•
Buzzell		•	Harris			Neumann		•	Ritter		•
Byrnes			Henderson		•	Smith, A. W.		•	Weidemeyer		•
Caldwell		•	Hickman		•	Pascal	•		Wheatley	•	
Cardin	•		Hopkins			Penniman		•	White		•
Carson		•	Hostette	•		Peters		•	Willis		•
Case		•	Hutchinson		•	Powers		•	Willoner	•	
Chabot			Jett		•	Price		•	Winslow		•
Child		•	Johnson		•	Pullen					
Cicone		•	Kahl	•		Raley					

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
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DEL. PRO.	COM. REC.
1000 100	10 1
2000 200	20 2
3000 300	30 3
4000 400	40 4
	50 5
RESO. 600	60 6
2-R. 700	70 7
3-R. 800	80 8
QUO. 900	90 9
MOT. 000	00 0

DATE:
JAN. 2
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0



# Constitutional Convention

AMENDMENT NO. 25

To Accompany Minority Report No. RandP-1(C)

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. RandP-1

BY DELEGATES BEACHLEY, BOTHE, BURGESS, CHILD,  
DABROWSKI, GROH, HARDWICKE, KOSAKOWSKI, MITCHELL,  
C. MURRAY, PRICE, TAYLOR, WEIDEMEYER, WILLONER

1 On page 4 following line 30 of Section 10  
2 Reserved Rights add the following new  
3 section:  
4

5 "Section Freedom of Information  
6 All governmental proceedings, meetings,  
7 and records shall be open to the people and  
8 prior notice of such proceedings or meetings  
9 shall be provided, except as otherwise pre-  
10 scribed by public general law."  
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# Constitutional Convention

AMENDMENT NO. 24a.

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. RandP-1

BY DELEGATE KIEFER

- 1 On page 4 following line 30 of Section 10  
2 Reserved Rights add this new section:  
3  
4 "Section Right to Know  
5 The people shall have the right to know  
6 how their government operates and all records  
7 of executive and administrative bodies shall  
8 be available for inspection by any person to  
9 the extent and in the manner provided by the  
10 General Assembly."  
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CONSTITUTIONAL CONVENTION OF MARYLAND  
1967  
ROLL CALL

Amend. 24 a to  
Com Rec ROP-2

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			Claggett			Key			Robey, F. C.		
Tawes			Clarke, E. J.			Kiefer			Robie, K. L.		
Clark, J.			Cleveland			Kirkland			Rollins		
James			Dabrowski			Koger			Rosenstock		
Abramson			Darby			Kosakowski			Rush		
Adkins			Della			Koss			Rybczynski		
Anderson			Dorsey			Leitzel			Scanlan		
Armor			Dukes			Linton			Schloeder		
Bamberger			Dulany			Lord			Schneider		
Bard			Eckenrode			Macdonald			Sherbow		
Barrick			Finch			Malkus			Sickles		
Baumann			Fornos			Marion			Siewierski		
Beachley			Fox			Mason			Singer		
Beall			Frederick			Maurer			Smith, J. H.		
Bennett			Freedlander			Mentzer			Smith, M. H.		
Blair			Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist			Miller, E. J.			Sosnowski		
Borom			Gill			Mitchell			Soul		
Bothe			Gleason			Morgan			Stern		
Boyce			Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles			Grumbacher			Mudd			Taylor, H. E.		
Bradshaw			Gullett			Murphy			Taylor, L.		
Bryson			Hanson			Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera		
Burgess			Hargrove			Needle			Wagandt		
Bushong			Harkness			Neilson			Webb		
Buzzell			Harris			Neumann			Ritter		
Byrnes			Henderson			Smith, A. W.			Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin			Hopkins			Penniman			White		
Carson			Hostetter			Peters			Willis		
Case			Hutchinson			Powers			Willoner		
Chabot			Jett			Price			Winslow		
Child			Johnson			Pullen					
Cicone			Kahl			Raley					

YEAS  
100-200

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100-200

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DEL. PRO.

COM. REC.

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JAN. 2

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9	9	9	9	9	9

1000	100	10	1
2000	200	20	2
3000	300	30	3
4000	400	40	4
	500	50	5
RESO.	600	60	6
2-R.	700	70	7
3-R.	800	80	8
QUO.	900	90	9
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SEPT. 7  
OCT. 8  
NOV. 9  
DEC. 0



AU

# Constitutional Convention

AMENDMENT NO. 25 *as amended*

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATES SEE SPONSORS BELOW

1 On page 4 immediately preceding line 1 of  
2 Section 12 Right of Removal of Criminal Cases  
3 add this new section:

4  
5 "Section \_\_\_\_ . Right of Removal of Civil  
6 Cases.

7 All cases at law exceeding the jurisdictional  
8 amount prescribed by law and all cases in  
9 equity shall be removed upon the filing  
10 within a reasonable time prior to trial as  
11 provided by law or by the Court of Appeals  
12 by rule of a suggestion, under oath, by a  
13 party to the case stating that he cannot have  
14 a fair and impartial trial where the case is  
15 pending. This right shall not apply to  
16 condemnation cases."

17 *domestic relations*  
18  
19

20 BY DELEGATES WEIDEMEYER, BLAIR, BOYER, CHABOT  
21 DABROWSKI, DARBY, DORSEY, CALDWELL, GLEASON,  
22 GRANT, GROH, HICKMAN, HOSTETTER, HUTCHINSON,  
23 JOHNSON, KIEFER, KIRKLAND, KOSAKOWSKI, MACDONALD,  
24 NEILSON, PASCAL, RITTER, RUSH, RYBCZYNSKI,  
25 SOSNOWSKI, SOUL, STERN, STORM, H. TAYLOR,  
26 L. TAYLOR, VECERA, WILLONER

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*Amend*  
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BE

# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

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To Amendment No. 25A

To Committee Recommendation No. R&P-2

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BY DELEGATE CLAGETT

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1 On page 1 of the amendment in lines 8 and 9  
2 strike out the following words: "and all  
3 cases in equity".

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BD

# Constitutional Convention

AMENDMENT NO. 26

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATE STORM

1 On page 4 following line 19 of Section 13  
2 Imprisonment for Debt add this new section:

3  
4 "Section \_\_\_\_\_. Public Records and Meetings.  
5 All public records shall be open for  
6 inspection, unless otherwise provided by law,  
7 and to the extent and in the manner provided  
8 by law, all governmental proceedings and  
9 meetings shall be open to the public."

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# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. R&P-2

BY DELEGATES GILCHRIST, J.H.SMITH, H.TAYLOR,  
CASE

1 On page 4 following line 19 of Section 13  
2 Imprisonment for Debt add the following new  
3 section:

4  
5 "Section \_\_\_\_\_. Omnibus Recognition of  
6 Rights.  
7 The omission to recognize the rights of  
8 any social, economic, ethnic, geographic,  
9 occupational, educational, racial, cultural,  
10 intellectual, or other groups, is entirely  
11 unintentional and accidental, and all rights  
12 existing at the time of the adoption of this  
13 Constitution are hereby preserved. This  
14 Constitution shall not be construed to be in  
15 derogation of the rights of the descendants  
16 of His Majesty Charles the First to receive  
17 annually two Indian arrow heads, the rights  
18 of the Wicomico Indians to receive compen-  
19 sation for land upon which Salisbury is now  
20 situate, the rights of the descendants of  
21 Caecilius Calvert to maintain courts-baron,  
22 the rights of the paymaster-general of the  
23 British Army to the buried gold of the army  
24 of General Edward Braddock, the rights of  
25 the descendants of the citizens of Frederick  
26 to be indemnified for the ransom of the city  
27 paid to Confederate armies, the rights of  
28 sotweed factors in Southern Maryland to free  
29 commercial intercourse with the inhabitants  
30 of the West Indies, or any other rights of any  
31 person, whether real or fancied, choate or  
32 inchoate. All such rights are hereby  
33 recognized, nunc pro tunc, and in perpetuity."





# Constitutional Convention

AMENDMENT NO. \_\_\_\_\_

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~~XXXXXXXXXXXXXXXXXXXX~~

To Committee Recommendation No. **R&P-2**

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BY DELEGATE KIEFER`

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1       On page 2 strike out all of Section 6  
2   Adoption of Common Law, comprising lines  
3   28 through 50, inclusive.  
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